

GAHC010071952024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./1003/2024

APURBA JYOTI KALITA
S/O SASADHAR KALITA
R/O VILL- ALIPUB
P.S. BAIHATA CHARIALI
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S H SIKDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 19.04.2024

Heard Mr. S.H.Sikdar, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner, namely Apurba Jyoti Kalita who has been languishing in jail hazot in connection with Baihata Chariali P.S. Case No.92/2024 under Sections 120(B)/326/307/394/397 IPC.

It is submitted by the learned counsel for the petitioner that the informant is a reporter by

profession and he used to blackmail several person and on the date of the incident there was a quarrel between the informant and his brother and he was not involved in the alleged offence, rather the informant had abused his sister and his mother with some filthy language and thereafter an altercation took place between the petitioner's brother and the informant. In this regard, his sister also lodged an FIR against the present informant. It is also submitted by the learned counsel for the petitioner that there are other cases also pending against the present informant. It is further submitted that after obtaining the interim bail on 05.04.2024 in connection with this case, his marriage is going to be solemnized on 21.04.2024 and during the period of interim bail, he has not jumped over any conditions of bail and he will appear before the I/O as and when cooperation will be needed.

Accordingly, learned counsel for the petitioner has prayed to make the interim bail order dated 05.04.2024 absolute with the same terms and conditions.

In this context, learned Additional Public Prosecutor has submitted that from the materials available in the case diary, it is seen that the present accused/petitioner was not involved in the alleged offence and the quarrel took place for parking of a vehicle and considering his injury report also, the present accused/petitioner may be enlarged on bail.

After hearing the submissions made by the learned counsel for the parties and also considering the materials available in the case diary, I find that custodial interrogation of the present accused/petitioner is not necessary and also in view of the fact that his marriage ceremony will be solemnized on 21.04.2024, I find it a fit to case to allow the accused to go on bail.

Accordingly, the interim order dated 05.04.2024 is hereby made absolute with the same terms and conditions.

In view of the above, the bail application stands disposed of.

JUDGE

Comparing Assistant