

GAHC010071972024



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

Case No. : AB/905/2024

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

2: SASADHAR KALITA
S/O LATE BHUMIDHAR KALITA
R/O VILL- ALIPUB

P.S. BAIHATA CHARIALI
DIST. KAMRUP
ASSA

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 petitioners. Also heard Mr. D. Das, learned

Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail the accused/petitioners, namely 1. Amit Jyoti Kalita 2. Sasadhar Kalita, who are apprehending arrest in connection with Baihata Chariali P.S. Case No.92/2024 under Sections 120(B)/326/307/394/397 IPC.

Case diary received. Perused the same.

It is submitted by the learned counsel for the petitioner that the petitioner No.2 Sasadhar Kalita has already been arrested in connection with this case and hence his anticipatory bail application is hereby withdrawn as the same has become infructuous.

In respect of petitioner No.1 Amit Jyoti Kalita it is submitted by the learned counsel for the petitioner that the present accused/petitioner is innocent. It is a fact that on the date of incident an altercation took place between the informant and the petitioner as they harassed his mother and sister and abused them with some filthy languages for which his sister also lodged an FIR. But no other incident had happened as alleged in the FIR. However, the present accused petitioner No.1 Amit Jyoti Kalita is ready and willing to cooperate the I/O in further investigation of the case if he is granted with the privilege of pre-arrest bail.

In this context, learned Additional Public Prosecutor has submitted that considering the materials available in the case diary vis-a-vis medical report of the victim, the custodial interrogation may not be necessary for the present accused petitioner No.1.

After hearing the submission made by the learned counsel for the parties and also considering the materials available in the case diary and the medical report of the victim, I find that custodial interrogation of the present accused/petitioner No.1 may not be necessary for the interest of investigation of the case and hence I find it a fit case to extend the privilege of pre-arrest bail to the petitioner No.1.

Accordingly, it is provided that in the event of arrest of the accused/petitioner No.1, namely, Amit Jyoti Kalita in connection with Baihata Chariali P.S. Case No.92/2024 under Sections 120(B)/326/307/394/397 IPC, he shall be enlarged on pre-arrest bail on their executing a bond of Rs. 20,000/- (Rupees twenty thousand) only each with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:

- (i) that the petitioner shall appear before the Investigating Officer of the case within a period of 1 (one) week from today;

(ii) that the petitioner shall fully co-operate with the investigation of the case and shall appear before the Investigating Officer as and when required in connection with the investigation of the aforesaid P.S. Case; and

(iii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

The anticipatory bail application stands disposed of in terms above.

Return the case diary.

JUDGE

Comparing Assistant