

GAHC010072072024



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

Case No. : AB/922/2024

DEEPRAJ CHETIA AND 2 ORS.

S/O SRI PHUNU CHETIA, R/O NO 2 LAZUM NEAR ASEB, LAGUM GAON NO
1 PLUS 2 TINSUKIA, MARGHERITA, ASSAM, 786181

2: BIKI GOGOI

S/O SRI ROMESH GOGOI

R/O DULIAJAN NO-2

DIBRUGARH

ASSAM-786602

3: KRISHNA KANTA GOGOI

S/O SRI ACHYUT GOGOI

R/O DULIAJAN NO-2

DIBRUGARH

ASSAM-78660

VERSUS

THE STATE OF ASSAM

REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MRS R BEGUM

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 07-06-2024

Heard Mr. P. Kataki, learned counsel for the petitioners Sri Deepraj Chetia, Sri Biki Gogoi and Krishna Kanta Gogoi.

2. The petitioners have filed this application under Section 438 of the Code of Criminal Procedure, 1973 (CrPC for short) with prayer for pre-arrest bail as they are apprehending arrest in connection with Duliajan Police Station Case No. 75/2024 under Sections 457/326/294/34 of the Indian Penal Code, 1860.

3. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

4. The allegation against the petitioners is that on the intervening night of 25.03.224 and 26.03.2024, the petitioners went to the house of the informant and attacked her husband causing grave injuries on his person.

5. I have scrutinized the Case Diary and the medico-legal report of the injured person Latumoni Rajkonwar.

6. The learned Additional Public Prosecutor has raised objection stating that there are incriminating materials in the Case Diary against the petitioners.

7. The grievous injures sustained by Latumoni Rajkonwar were also inflicted by the petitioner No. 3 Sri Krishna Kanta Gogoi.

8. The learned counsel for the petitioners has submitted that the petitioners have appeared before the Investigating Officer and they have cooperated with investigation and they are willing to abide by any stringent conditions if imposed upon them. They are local residents and they are not flight risks.

9. I have considered the submissions at the bar with circumspection. I have scrutinized the Case Diary. Indeed there are incriminating materials against the petitioners. The merits of this case are not brought to the fore.

10. Considering all aspects and in view of my foregoing discussions, the interim order dated 08.04.2024, so far as the petitioner No. 1 Deeparaj Chetia and the petitioner No. 2 Biki Gogoi are concerned, is hereby made absolute. However, the bail prayer under Section 438 of the CrPC submitted by Krishna Kanti Gogoi is rejected at this stage.

11. The order of interim bail stands vacated in respect of the petitioner No. 3 Krishna Kanti Gogoi.

12. In the above terms, this Anticipatory Bail application stands disposed of.

13. Send back the Case Diary.

JUDGE

Comparing Assistant