

GAHC010076802024



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

Case No. : Bail Appln./1110/2024

PREMANANDA ROY
S/O LATE PRIYANATH ROY
RESIDENT OF RAKKRISHNA PATH,
LALGANESH, ODALBAKRA ROAD,
P.S. DISPUR, DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. B HALDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 20.04.2024

1) Heard Mr. B. Halдар, learned counsel for the petitioner. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor for the State of Assam.

2) This application under section 439 of the Code of Criminal

Procedure, 1973 has been filed by the petitioner Sri. Premananda Roy, who has been detained behind bars since 06.03.2024 in connection with Dispur P.S. Case No. 95/2024 registered under Section 419/466/468/471/474/308 of the Indian Penal Code.

3) The gist of accusation in this case is that on 18.12.2023 one Dr. Abhijit Neog had lodged an FIR(First Information Report) before the Officer-In-Charge of Fatasil Ambari Police Station, *inter-alia*, alleging that the present petitioner has been practicing as a medical practitioner without having any valid license to do so.

4) On receipt of the said FIR, Fatasil Ambari PS Case No. 24/2024 was registered.

5) Learned counsel for the petitioner has submitted that later on the said case was transferred to Dispur Police Station and a fresh case i.e., Dispur PS Case No. 95/2024 was registered.

6) Learned counsel for the petitioner has submitted that the petitioner has been detained behind bars for last 45 days and he is the holder of a certificate of registration to practice alternative medicine.

7) Learned Additional Public Prosecutor has produced the case diary of Dispur PS Case No. 95/2024 and has submitted that the investigation has failed to progressing.

8) Considering the fact that the petitioner has been detained behind bars for 45 days and from the materials available on record it appears that his custodial detention may not be necessary, if he otherwise corporates in the investigation.

9) Hence, the above named petitioner is allowed to go on bail of Rs.30,000/- with a suitable surety of like amount to the satisfaction of the

learned Chief Judicial Magistrate, Kamrup(Metro), subject to the conditions that:-

- (i) the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court; and
- (ii) the petitioner shall co-operate in the investigation.

10) With above observation, this bail application is hereby disposed of.

JUDGE

Comparing Assistant