

GAHC010080332024



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

Case No. : Bail Appln./1170/2024

ROMEN BASUMATARY
S/O LATE MAHESH BASUMATARY
R/O VILL- NO.1 GORHAGA
DOIMALU, P.S. GOHPUR
DIST. BISWANATH, ASSAM.

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. U K BARMAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

08.05.2024

Heard Mr. H. Ali, learned counsel for the petitioner. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the State respondent.

This application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner, who has been languishing in jail since 10.04.2024 in connection with Gohpur P. S. Case No.52/2024 registered under Sections 448/376/511/325/427/506 of the Indian Penal Code.

The Case Diary has been received and I have perused the same.

It is submitted by Mr. Ali, learned counsel for the petitioner that a false and concocted allegation has been brought against the present petitioner by the informant only to avoid repayment of money to him. In this regard, the petitioner also submitted the Google Pay transaction statement. The petitioner admitted the fact that he went to the house of the informant for asking his money and some verbal altercation took place between them and that apart no such incident had occurred as alleged in the First Information Report(FIR). He further submitted that the petitioner is in custody, since 10.04.2024 and thus, the IO got sufficient time to interrogate the petitioner keeping him in the custody. Hence, further custodial interrogation is not at all necessary, however, the petitioner is ready and willing to appear before the IO, as and when his co-operation will be required, if the privilege of regular bail is granted to the accused/petitioner.

In this context, Mr. Sharma, learned Additional Public Prosecutor has submitted that in the statement made by the victim under Section 164 of Cr.P.C., she has brought some allegation against the accused petitioner. But, from the materials available in the

Case Diary as well as from the note of the IO, it is seen that an altercation/scuffle took place between the parties regarding some monetary dispute.

Considering the submissions of learned counsels for both sides and also considering the materials available in the Case Diary as well as from the note of the IO, I am of the view that the I.O. has got ample opportunity to interrogate the accused/ petitioner keeping him in the custody and accordingly, further custodial interrogation of the accused/petitioner seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned SDJM, Gohpur, the accused/petitioner, namely Romen Basumatary, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) 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; and
- (iii) that the petitioner shall not leave the jurisdiction of the learned SDJM, Gohpur, without prior permission.

In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant