

GAHC010081212024



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

Case No. : Bail Appln./1156/2024

SASADHAR KALITA
S/O LATE BHUMIDHAR 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 : 25-04-2024

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

This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by the accused/petitioner, namely, Sasadhar Kalita, who has been languishing in jail hazot since 16.04.2024 in connection with Baihata Chariali P. S. Case No.92/2024, registered under Sections 120B/326/307/394/397 of the Indian Penal Code.

I have perused the Case Record which was available in the Office of the learned Public Prosecutor.

It is submitted by the learned counsel for the petitioner, Mr. Sikdar that earlier one anticipatory bail application was filed by the present petitioner, but, during the pendency of the said application, he got arrested in connection with this case on 16.04.2024. It is submitted that 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 son and he was not involved in the alleged offence, rather, the informant had abused his daughter and his wife with some filthy language and thereafter, an altercation took place between the petitioner's son and the informant. In this regard, his daughter 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 present informant. The accused/petitioner is behind the bar since 16.04.2024 and thus, I.O. has got sufficient time for his custodial interrogation and further custodial interrogation may not be necessary for the purpose of investigation and accordingly,

he prays to enlarge the accused/petitioner on bail.

On the other hand, Mr. Das, learned Public Prosecutor, has submitted that considering the materials available in the Case Record as well as the Medical Report, the further custodial interrogation may not be necessary for the interest of justice.

Considering the submissions of learned counsels for both sides as well as considering the conduct of the accused/petitioner and after perusing the Case Record, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioner 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, Rangia, the accused/petitioner, namely, **Sasadhar Kalita**, 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, Rangia, without prior permission.

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

JUDGE

Comparing Assistant