

GAHC010083252024



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

Case No. : AB/1092/2024

RATAN TUDU
S/O SRI RABIRAM TUDU,
R/O JOYMABAZAR, BOROBANDHA, P.O.- GOSSAIGAON, P.S.-
KACHUGAON, PIN- 783361, DIST.- KOKRAJHAR, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR. A DHANUKA
Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

05.06.2024

Heard Mr A Dhanuka, learned counsel for the petitioner, Sri Ratan Tudu, who has filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as he is apprehending arrest in connection with Kachugaon PS Case No. 03/2024, under Sections 302 IPC.

3. Heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam.
4. The FIR was lodged contending *inter alia*, that on 12.02.2024, Budrai Murmu went to participate in 169th Bir Sidu Kanlu Shahid Diwas Program at 1 No. Kandanapara Village at 10:00 am from his residence. This person went missing and did not reach

home. The family members and the informant set out on a frantic search but could not find the missing person and finally, he was found grievously injured with injuries on several parts of his body in a jungle, situated at about 1.5 kilometres away from the venue. The injured person was taken to the hospital, but he passed away as soon as he reached the Barpeta Medical College Hospital.

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

6. I have scrutinized the Case Diary.

7. Indeed, there are incriminating materials in the Case Diary against the present petitioner.

8. I have considered the magnitude of the offence, which does not entitle the petitioner to pre-arrest bail.

9. It appears that the investigation may be adversely affected, if the petitioner is enlarged on bail, at this stage.

10. Considering all aspects, petition is rejected, at this stage.

11. Send back the Case Diary.

JUDGE

Comparing Assistant