

GAHC010084082024



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

Case No. : Bail Appln./1213/2024

AMIT MANDAL
S/O LT. ISHWAR MANDAL
R/O WARD NO. 6 OF SAPATGRAM MUNICIPALITY
P.O. AND P.S. SAPATGRAM
DIST. DHUBRI, ASSAM
PIN-783337

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. D P MANDAL

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 06-05-2024

1. Heard Mr. S. Bora, learned counsel for the petitioner and Mr. P. Borthakur, learned Addl. PP for the State respondent.

2. The petitioner namely, Amit Mandal has filed this application under Section 439 Cr.PC with prayer for bail as he is behind bars since 03.04.2024 in connection with Bilasipara PS Case No. 77/2024 registered u/s 120(B)/302/34 of IPC and corresponding G.R. Case No. 143/2024.

3. It is submitted by Mr. Bora, learned counsel for the petitioner that the petitioner is not at all involved in the case. He has been arrested in connection with this case only on suspicion. More so, there is no injury found on the body of the deceased at the time of his recovery. Earlier a missing report was filed by the mother of the victim and after recovery of his body the FIR was lodged and the present petitioner was arrested. He is behind the Bar since last 03.04.2024 and the IO got sufficient time to interrogate the petitioner keeping him in custody.

4. In this context, Mr. Borthakur, the learned Addl. PP has submitted that from the materials available in the Case Diary it is seen that the petitioner was arrested on suspicion as there was a monitory dispute between the present accused-person along with the son-in-law of the informant. However, there is no injury detected on the body of the deceased at the time of his inquest and also as per the medical report. However, the FSL report is not yet received.

5. Considering the submissions and hearing the learned counsels of both sides and considering the materials available in the Case Diary, I find that further custodial detention of the present petitioner is not necessary.

6. 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, Bilasipara, the accused/petitioner, namely, Amit Mandal, 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, Bilasipara, without prior permission.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant