

GAHC010084442024



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

Case No. : AB/1098/2024

UPENDRA KUMAR DAS AND ANR.
S/O LATE RABIN KUMAR DAS
R/O RAILWAY COLONY, OPPOSITE TO QUARTER NO. 223/B, EAST
MALIGAON NEAR SANKARDEV NAMGHAR, 4 NO. GATE, P.S. JALUKBARI,
P.O. MALIGAON, DISTRICT KAMRUP (METRO), ASSAM, PIN-781011

2: SANJAY JYNAR DAS
S/O LATE RABIN KUMAR DAS
R/O RAILWAY COLONY

OPPOSITE TO QUARTER NO. 223/B
NEAR SANKARDEV NAMGHAR
EAST MALIGAON

4 NO. GATE
P.O. MALIGAON
P.S. JALUKBARI
DIST. KAMRUP (M)
ASSAM
PIN-781011.
PRESENTLY RESIDING AT D ADARA
HAJO ROAD

SAROJINI MARKET

P.O. AND P.S. HAJO
DIST. KAMRUP (R)
ASSAM

PIN-78110

VERSUS

THE STATE OF ASSAM

REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 29-05-2024

Heard Mr. A. Gogoi, learned counsel for the petitioners.

2. The petitioners namely 1. Sri Upendra Kumar Das and Sri Sanjay Kumar Das have filed this application under Section 438 of the Code of Criminal Procedure, 1973 (CrPC for short) with a prayer for pre-arrest bail as they are apprehending arrest in connection with Jalukbari Police Station Case No. 202/2024 under Sections 352/294/458/323/34 of the Indian Penal Code, 1860 (IPC for short).

3. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

4. I have considered the submissions at the bar with circumspection. I have also scrutinized the Case Diary.

5. On a dispute relating to dipper light at night, the petitioners entered into the premises of the informant and attempted to assault the informant whereas the informant's wife sustained injury on her hand. That the petitioners using obscene words and verbally abused them. This incident occurred on 10.04.2024. Again on 17.04.2024, at about 12 o' clock mid night, the petitioners created a

violent situation and the informant lodged the FIR on 18.04.2024. The petitioners called out the informant by his name on 19.04.2024 at about 12 o' clock midnight and threatened him.

6. I have considered the submission at the bar that the petitioners who are on interim bail have appeared before the Investigating Officer and their statements have been recorded. The petitioners have not violated bail conditions. A scrutiny of the Case Diary reveals that investigation has progressed to a considerable extent. The petitioners are willing to cooperate with the remaining part of investigation.

7. Considering all aspects, the interim order dated 29.04.2024 is hereby made absolute under the conditions that:

(i) The petitioners shall refrain from such activities with which they are alleged.

(ii) The petitioners shall not leave the jurisdiction of the Court without prior permission till completion of investigation.

8. On breach of any of the bail conditions, bail order stand cancelled.

9. In the above terms and observations, this Anticipatory Bail application stands disposed of.

10. Send back the Case Diary.

JUDGE

Comparing Assistant