

GAHC010086042024



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

**Case No. : AB/1119/2024**

SAMIR SHILL @ APPU SHILL AND ANR.  
S/O SANKAR SHILL  
R/O WARD NO. 10 OF SAPATGRAM MUNICIPALITY  
P.O. AND P.S. SAPATGRAM  
DIST. DHUBRI, ASSAM,  
PIN-783337

2: BIPLAB BASAK @ BIJU BASAK  
R/O LATE MAHADEV BASAK  
R/O VILL- SONALUGURI  
P.O. RANIGANJ  
P.S. SAPATGRAM  
DIST. DHUBRI  
ASSAM

PIN-78334

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 also heard Mr. P. Borthakur, the learned Addl. PP appearing on behalf of the State respondent.
- 2.** This is an application under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioners, namely, [1] Samir Shill @ Appu Shill and [2] Sri Biplab Basak @ Biju Basak who are apprehending arrest 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 petitioners that the petitioners are innocent and they are apprehending arrest in connection with this case as their names are falsely implicated in the FIR. They are not at all involved in the case. However the petitioners are ready to appear and co-operate with the IO if they are granted the privilege of pre-arrest bail.
- 4.** In this context Mr. Borthakur, the learned Addl. PP has submitted that from the materials available in the Case Diary it seems that the names of the present petitioners reflected in the FIR only because their involvement is suspected in the case as there was a monitory dispute between the son-in-law of the informant and the present petitioners. However, no injury was detected in the body of the deceased in the inquest report and as per the version of the witnesses also they did not find any injury mark on the body of the deceased. However, the FSL report is yet to come for which cause of death is not yet opined.
- 5.** Considering the submissions of learned counsels for both sides and also

considering the materials placed on record, I find it a fit case to extend the privilege of pre-arrest bail to the accused/petitioners.

**6.** Accordingly, it is provided that in the event of arrest of the accused/petitioners, namely, [1] Samir Shill @ Appu Shill and [2] Sri Biplab Basak @ Biju Basak, in connection with Bilasipara PS Case No. 77/2024 registered u/s 120(B)/302/34 of IPC, they shall be enlarged on pre-arrest bail on their executing a bond of Rs. 20,000/- (Rupees twenty thousand) only each with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:

- (i) that the petitioners shall appear before the Investigating Officer of the case within a period of 7 (seven) days from today;
- (ii) that the petitioners shall fully co-operate with the investigation of the case and shall appear before the Investigating Officer as and when required in connection with the investigation of the aforesaid P.S. Case; and
- (iii) that the petitioners 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.

The Case Diary be sent back.

**JUDGE**

**Comparing Assistant**