

GAHC010086142024



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

Case No. : Bail Appln./1256/2024

GAHANU MAHALI AND 3 ORS.
S/O LATE BARUN MAHALI
R/O GAUR BASTI P.S. DHEKIAJULI, DIST. SONITPUR, ASSAM

2: JITEN BHENGRA
S/O AGASTUS BHENGRA
R/O GAUR BASTI P.S. DHEKIAJULI
DIST. SONITPUR
ASSAM

3: BUDHUA MAHALI
S/O LATE BARUN MAHALI
R/O GAUR BASTI P.S. DHEKIAJULI
DIST. SONITPUR
ASSAM

4: RAJU INDUWAR @ TAUN INDUWAR
S/O LATE BIREN INDUWAR
R/O GAUR BASTI P.S. DHEKIAJULI
DIST. SONITPUR
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR P DAS

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

04.06.2024

- 1.** Heard learned counsel for the petitioners, namely (i) Gahanu Mahali, (ii) Jiten Bhengra, (iii) Budhua Mahali, and (iv) Raju Induwar.
- 2.** This application has been filed under Section 439 of the Cr.PC as the petitioners are behind bars since 15.03.2024 in connection with Dhekiajuli P.S. Case No. 38/2024 under Section 450/302/34 of the IPC.
- 3.** Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor.
- 4.** It is submitted on behalf of the petitioners that in an omnibus manner, the petitioners are implicated by the informant, that the petitioners have assaulted the victim and have caused fatal injuries.
- 5.** The petitioners are behind bars for 82 days and they deserve to be released on bail.
- 6.** The learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary against the petitioner.
- 7.** I have scrutinized the Case Diary, post-mortem report and the statements of the witnesses under 161 Cr.PC. Indeed there are incriminating materials against the petitioner.
- 8.** Investigation is still under progress.
- 9.** It appears that the investigation may be adversely affected if the

petitioners are enlarged on bail at this juncture.

10. I have also considered the role attributed to the petitioners and the magnitude of the offence.

11. Petition is rejected at this stage.

12. Send back the Case Diary.

JUDGE

Comparing Assistant