

GAHC010087832024



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

Case No. : Bail Appln./1262/2024

BISHNU DEV KOCH
S/O LATE KESHURAM KOCH,
VILLAGE KUSHTALI, PO BORONGANI, PS LAHARIGHAT, DIST MORIGAON,
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. A M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

10.06.2024

Heard Mr A M Khan, learned counsel for the petitioner, Bishnu Dev Koch, who has filed this application under Section 439 of the Code of Criminal Procedure, 1973, with prayer for bail, as he is behind bars since 15.03.2024, in connection with Dispur PS Case No. 222/2024, under Section 302 of the Indian Penal Code, 1860.

3. Heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam.
4. It is submitted on behalf of the petitioner that his right to personal liberty has been curtailed as this is a case of suicide and he is behind bars for 88 days.
5. The Case Diary is received without FSL Report.
6. I have scrutinized the Case Diary.
7. Investigation has progressed to a considerable extent.
8. I have perused the Post-Mortem Report. Death was not ascertained by the Medical Officer as the viscera was sent for forensic examination.
9. Statements of most of the witnesses have been examined.
10. It is submitted on behalf of the petitioner that the petitioner has not committed any offence under Section 302 IPC. This is a case of suicide.
11. It appears that further custodial detention of the petitioner may not be required for the progress of investigation.
12. I have considered the submission that the petitioner has pledged to cooperate with the investigation and to abide by any stringent conditions, if imposed upon him.
13. Considering all aspects and in view of my foregoing discussions, petition is allowed. The petitioner is enlarged on bail of Rs. 50,000/-, with one surety of the like amount to the satisfaction of the learned CJM, Kamrup (Metro), under the condition that the petitioner shall not leave the jurisdiction of the Court, without prior permission.

14. With the above directions, this bail application stands disposed of.
15. Send back the Case Diary.

JUDGE

Comparing Assistant