

GAHC010093702024



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

Case No. : Bail Appln./1363/2024

HARESWAR DEKA AND ANR
S/O SRI KAMAKHYA DEKA
R/O HEMDOL
P.S. KAYAN
DIST. KAMRUP, ASSAM

2: KAMAKHYA DEKA
S/O LATE HARICHANDRA DEKA
R/O HEMDOL
P.S. KAYAN
DIST. KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A K AZAD

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

13.06.2024

- 1.** Heard learned counsel Ms. C. Kalita on behalf of learned counsel Mr. A. K. Azad for the petitioners, namely (i) Hareswar Deka and (ii) Kamakhya Deka.
- 2.** This application has been filed under Section 439 of the Cr.PC with prayer for bail as they are behind bars since 15.03.2024 in connection with Kayan P.S. Case No. 16/2024 under Section 109/302 of the IPC.
- 3.** Heard Mr. R. R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.
- 4.** Case Diary is received without the post-mortem report.
- 5.** The petitioners have been behind bars for 91 days and Charge-sheet has not been submitted.
- 6.** Considering the length of detention, petition is allowed.
- 7.** Both the petitioners are enlarged on bail of Rs.50,000/- (Rs. Fifty Thousand) each, with a suitable surety of like amount to the satisfaction of the SDJM(M), Rangia under the conditions that;
 - (i) The petitioners shall not exercise threats to the witnesses, and
 - (ii) The petitioners shall not leave the jurisdiction of the Court without prior permission.
- 8.** Send back the Case Diary.

JUDGE

Comparing Assistant