

GAHC010093942024



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

**Case No. : Bail Appln./1365/2024**

BIJOY KUMAR BORUAH  
S/O TILOK CHANDR ABORUAH  
VILL- PURONI GOBINDAPUR  
P.S. GHILAMARA  
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM  
TO BE REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. S Y AHMED**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE  
HONOURABLE MRS. JUSTICE MITALI THAKURIA  
ORDER**

**15.05.2024**

Heard Mr. S. Y. Ahmed, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner, who has been languishing in jail since 20.02.2024 in connection with Sessions Case No. 34 (DH)/2022 arising out of Gogamukh P.S. Case No.33/2021, registered under Section 376 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner, Mr. Ahmed, that the accused/petitioner was earlier granted with bail, but, he could not appear before the Court due to his illness since 07.07.2023 and for which the NBWA was issued against him and accordingly, on 20.02.2024, he was arrested on the strength of the said NBWA and since then, he is behind the bar. Hence, considering his length of detention, he may be enlarged on bail. Further, the petitioner is ready to appear before the learned Court below on each and every date fixed and will contest the case.

In this context, the learned Additional Public Prosecutor, Mr. Borthakur, has submitted that the accused/petitioner is behind the bar since 20.02.2024 and hence, considering his length of detention undergone by him, his bail prayer may be considered.

After hearing the submissions made by the learned counsels of both sides

and also considering the length of detention already undergone by the accused/petitioner, I am of the view that further custodial detention of the accused/petitioner is not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only each with one surety of like amount to the satisfaction of the learned Sessions Judge, Dhemaji, the accused/petitioner, namely, **Bijoy Kumar Boruah**, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner 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; and
- (ii) that the petitioner shall not leave the jurisdiction of the learned Sessions Judge, Dhemaji, without prior permission.

In terms of above, this bail application stands disposed of.

**JUDGE**

**Comparing Assistant**