

GAHC010094592024



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

Case No. : Bail Appln./1361/2024

LITON DAS @ LITHON DAS
S/O KHOGEN DRA DAS
R/O RENG RENG JARONI, NO. 2,
P.O. HOWRAGHAT
P.S. HOWRAGHAT
DIST. KARBI ANGLONG, ASSAM
PIN-782481

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS P TOKBIPI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 20.05.2024

Heard Mr. N.K. Murry, learned counsel for the petitioner. Also heard Ms. S. Jahan, learned Addl. P.P., Assam for the State respondent.

This application filed 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 hazot in connection with Howraghat P.S. Case No. 12/2024 under Sections 341/333/336/427/34 of the Indian Penal Code (G.R. Case No.

71/2024).

It is submitted by the learned counsel for the petitioner, Mr. Murry, that present petition is the Secretary of the Puja Committee and on the day of the incident he was not present in the place of occurrence which is revealed from the FIR itself. He also submitted that the petitioner was not aware about the incident which took place in the puja campus nor he was directly involved in obstructing the police personal in doing their duty and thus, Sections 333/336 of the IPC does not attract against the accused/ petitioner. More so, the petitioner is behind the bar since 16.04.2024 and accordingly, considering the length of detention undergone by the accused/ petitioner, he prays to enlarge the accused/ petitioner on bail, as the I.O. has got sufficient time for his custodial interrogation. Further, the accused/ petitioner is still ready and willing to cooperate with the I.O. in further investigation of the case, if requires. The learned counsel for the petitioner Mr. Murry, learned counsel for the petitioner further submitted that the accused/petitioner may be allowed to go on bail considering the ground that the President of the same Puja Committee has already been granted bail in the same incident vide order dated 10.05.2024.

On the other hand, the learned Addl. P.P. Ms. S. Jahan has submitted that being the Secretary of the Puja Committee, the accused/ petitioner is well aware about the gambling going on in the puja campus, rather the gambling was continuing only as per his consent. However, he submits that considering the length of detention his prayer for bail may be considered.

Considering the submissions of learned counsels for both sides, I have perused the FIR which reveals that at the time of the incident the petitioner was not present in the place of occurrence. Thus, considering the entire aspect of the case and further considering the length of detention already undergone by the accused/ petitioner, I am of the view that the I.O. has got ample opportunity to interrogate the accused/ petitioner in the custody and accordingly, further custodial interrogation of the accused/ petitioner seems to be not necessary her in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Diphu, Karbi Anglong, the accused/ petitioner, namely, Sri Liton Das @ Lithon Das, be enlarged on bail, subject to the following conditions :

- (i) That the petitioner shall make himself available for interrogation by the I.O. as and when required;
- (ii) 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
- (iii) That the petitioner shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Diphu, Karbi Anglong, without prior permission.

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

JUDGE

Comparing Assistant