

GAHC010108592024



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

Case No. : Bail Appln./1565/2024

DHANMANI DEKA
S/O LATE JITEN DEKA
RESIDENT OF ALGJHARI, PS MANGALDAI, DIST DARRANG, ASSAM,
784529

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR ASSAM

Advocate for the Petitioner : MR U.SARMAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 20-06-2024

Heard Mr. S. Dutta, learned counsel for the petitioner Dhanmani Deka.

2. The petitioner has filed this application under Section 439 of the Code of Criminal Procedure, 1973 with prayer for bail as he is behind bars since 12.05.2024 in connection with Mangaldai Police Station Case No. 124/2024

corresponding to GR No. 387/2024 under Sections 325/326/307 of the Indian Penal Code, 1860.

3. Heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam for the respondent State and Mr. M. Hoque, learned counsel for the informant.

4. The FIR unfolds that on 02.05.2024 at about 8:00 PM while Deepjyoti Deka was returning home and when he reached Gaonburhapara Chowk, the petitioner with a broken glass hit Deepjyoti Deka on the back of his head with an intention to commit murder. When the petitioner again tried to hit with that broken bottle on his neck, Deepjyoti Deka tried to stop him and sustained injuries on his right hand. The injured person fainted on the spot and with the help of the local people he was forwarded to Mangaldai Civil Hospital in an ambulance. From Mangaldai he was referred to Guwahati for better treatment but due to his critical condition, Deepjyoti Deka was taken to Sygnus Hospital at Baihata Chariali. The victim underwent treatment in ICU.

5. The learned Additional Public Prosecutor and the learned counsel on behalf of the informant have raised serious objection stating that the Case Diary is forwarded without the medico-legal report. The medico-legal report is necessary as the victim underwent treatment in the ICU. It is also submitted that there are incriminating materials in the Case Diary against the petitioner.

6. I have scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner. However, investigation has progressed to a considerable extent. The statement of the victim Deepjyoti Deka has been recorded. Statements of several witnesses have also been recorded. It appears that further custodial detention may not be required. The petitioner has pledged to abide by any stringent bail conditions if imposed upon him.

7. Considering all aspects and in view of my foregoing discussions, petition is allowed. The petitioner is enlarged on bail on furnishing a bail bond of *Rs.50,000/- (Rupees Fifty Thousand)* with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Darrang, Mangaldai under the conditions that :

- (i) The petitioner shall refrain from such activities with which he is alleged.*
- (ii) The petitioner shall not exercise threats to the witnesses.*
- (iii) The petitioner shall not leave the jurisdiction of the jurisdictional Court without prior permission.*

8. On breach of any of the bail conditions, bail order shall stand cancelled.

9. In the above terms, this Bail Application stands disposed of.

10. Send back the Case Diary.

JUDGE

Comparing Assistant