

GAHC010109782024



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

Case No. : AB/1436/2024

HEMEN KALITA
SON OF LATE PRABHAT KALITA, RESIDENT OF HOUSE NO 116, RAJIB
GANDHI PATH, UDAI NAGAR, KOINADHARA POLICE STATION BASISHTHA,
DISTRICT KAMRUM METRO GUWAHATI-22

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR H K DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 07-06-2024

Heard Mr. H.K. Das, learned counsel for the petitioner Sri Hemen Kalita.

2. The petitioner has filed this application under Section 438 of the Code of Criminal Procedure, 1973 (CrPC for short) with prayer for pre-arrest bail as he is apprehending arrest in connection with Dispur Police Station Case No. 491/2024

under Sections 153A/294/325/34/354/392/427/448 of the Indian Penal Code, 1860.

3. Heard Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam for the respondent State.

4. The allegation against the petitioner is that on 21.05.2024 at about 4.30 PM the owners of 'S. & Fitness Gym' situated above the shop of the informant, came outside the informant's shop and started abusing the informant with obscene words, insulting the community of the informant. The petitioner and his brother also destroyed the articles in the informant's shop and assaulted the younger son of the informant Alok Poddar causing injuries on his person. The petitioner and his brother also snatched away a silver bracelet amounting to Rs.15,000/- (Rupees Fifteen Thousand).

5. I have considered the submissions at the bar with circumspection. I have scrutinized the Case Diary.

6. The petitioner's brother has already been arrested in connection with this case. I have considered the submission that the petitioner's custodial interrogation may not be required for further progress of investigation. The Case Diary reveals that investigation has progressed to a considerable extent. The petitioner is willing to abide by any stringent conditions if imposed upon him.

7. Considering all aspects and in view of my foregoing discussions, petition is allowed.

8. In the interim and in the event of his arrest, the petitioner shall be enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with a suitable surety of like amount to the satisfaction of the

arresting authority under the conditions that:

- (i) The petitioner shall appear before the Investigating Officer within 7 (Seven) days and cooperate with investigation.
 - (ii) The petitioner shall refrain from such activities with which he is alleged.
 - (iii) The petitioner shall not leave the jurisdiction of the jurisdictional Court without prior permission till completion of investigation.
9. On breach of any of the bail conditions, bail order shall stand cancelled.
10. In the above terms, this Anticipatory Bail application stands disposed of.
11. Send back the Case Diary.

JUDGE

Comparing Assistant