

GAHC010117602024



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

Case No. : AB/1536/2024

BISHNU TALUKDAR
S/O MAHIM TALUKDAR, R/O HATIMURA, BAMUNDI, P.S.-SUALKUCHI,
DIST- KAMRUP (R), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S M MOLLAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 26-06-2024

Heard Mr. S.M. Mollah, learned counsel for the petitioner Bishnu Talukdar, who 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 Chandmari Police Station Case No. 116/2024 registered under Sections 326/307/506 of the Indian Penal Code,

1860 (IPC for short).

2. Heard Mr. D.P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State. The learned Additional Public Prosecutor has raised objection stating that FIR is received without the injury report. The statement of the victim recorded under Section 164 of the CrPC and the FIR clearly incriminates the petitioner.

3. The FIR unfolds that on 28.04.2024 at around 4 PM, the petitioner suddenly attacked the informant with a sharp weapon on the left side of his chest with intention to commit murder and the pedestrians immediately shifted the victim to the Gauhati Medical College and Hospital and subsequently, the victim was admitted in the ICU at Nemcare Hospital.

4. I have scrutinized the Case Diary. The informant's statement has been recorded. His injuries have healed. Investigation has progressed to a considerable extent. It appears that custodial interrogation may not be required. I have considered the submission of the petitioner that he is willing to abide by any stringent bail conditions and to cooperate with the investigation. The petitioner is a local resident and he is not a flight risk.

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

6. In the event of his arrest, the petitioner shall be 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 arresting authority under the conditions that:

(i) The petitioner shall appear before the Investigating Officer within 1 (One) week and cooperate with the investigation.

- (ii) The petitioner shall refrain from such activities with which he is alleged.*
 - (iii) The petitioner shall not exercise threats to the witness or try to influence them.*
 - (iv) The petitioner shall not leave the jurisdiction of the Court without prior permission.*
7. On breach of any of the bail conditions, bail order shall stand cancelled.
 8. In the above terms, this Anticipatory Bail application stands disposed of.
 9. Send back the Case Diary.

JUDGE

Comparing Assistant