

GAHC010120032024



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

Case No. : Bail Appln./1759/2024

DEBA PRASAD SARKAR AND ANR.
S/O BIJOY CH. SARKAR
R/O VILL- KHUSLUPARA, ROWMARI
P.S. KAJALGAON
DIST. CHIRANG (BTR), ASSAM,
PIN- 783380

2: SANKAR DUTTA
S/O LATE RABINDRA DUTTA
R/O VILL- NAYAPARA PT.I
P.S. BONGAIGAON
DIST. BONGAIGAON
ASSAM
PIN-78338

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR Z ALAM

Advocate for the Respondent : PP, ASSAM

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

25.06.2024

Heard Mr. Z. Alam, learned counsel for the petitioners. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor 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/petitioners, who have been languishing in jail *hazot* since 23.05.2024 in connection with Bongaigaon P. S. Case No.186/2024 registered under Section 420 of IPC *read with* Sections 13/14 of the Assam Game and Betting Act, 1970.

The Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioners, Mr. Alam, that the present petitioners are innocent and they have not committed any offence as alleged in the FIR. It is submitted that the petitioners are the road-side grocery and pan vendors and on the day of the occurrence, the petitioners were present at their respective shops, and accordingly, the police personal arrested them on mere suspicion. He further submitted that there are no such materials available in the FIR to attract Section 420 of IPC against the accused/petitioners. He further submitted that the petitioners are behind the bar for last 33 days and accordingly, considering the length of detention undergone by the accused/petitioners, they may be enlarged on bail as the I.O. has got sufficient time for their custodial interrogation.

On the other hand, Mr. Baruah, the learned Additional Public Prosecutor has submitted that there are several intimidating materials available against the accused/petitioners and also some materials are collected from their possession like some cash money. More so, there is evidence that they have induced some of the

persons to invest money in betting. He further submits that the case is still under investigation and some other co-accused is yet to be booked in connection with this case and thus, at this stage he raised objection in granting bail to the accused/petitioners.

Considering the submissions of learned counsels for both sides, as well as on perusal of the Case Diary and also considering the length of detention already undergone by the accused/petitioners, i.e. 33 days, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioners in the custody and accordingly, further custodial interrogation of the accused/petitioners seems to be 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 Chief Judicial Magistrate, Bongaigaon, the accused/petitioners, namely, **Sri Debo Prasad Sarkar** and **Sri Sankar Dutta**, be enlarged on bail, subject to the following conditions:

- (i) that the petitioners shall make themselves available for interrogation by the Investigating Officer as and when required;
- (ii) that the petitioners 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 them from disclosing such facts to the Court or to any police officer; and
- (iii) that the petitioners shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Bongaigaon, without prior permission.

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

Return the Case Diary.

JUDGE

Comparing Assistant