

GAHC010120672024



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

Case No. : AB/1562/2024

SURANJIT DAS CHOUDHURY @ SUJIT DAS CHOUDHURY AND 3 ORS.
S/O LT. JATINDRA DAS CHOUDHURY
R/O VILL- CHINCOORIE ROAD,
UPENDRA DHAM SARANI
P.S. SILCHAR, P.O. AMIKAPATTY
DIST. CACHAR, ASSAM, PIN-788004

2: JAYANTA CHAKRABARTY
S/OLT. ATUL CHANDRA CHAKRABARTY
R/O VILL- VIVEKANANDA ROAD
LANE NO. 19
P.O. VIVEKANANDA ROAD

P.S. SILCHAR
DIST. CACHAR
ASSAM

PIN-788007

3: RAHUL PAUL
S/O SHRI RAHITOSH PAUL
R/O AZAD HIND ROAD

P.S. SILCHAR
DIST. CACHAR
ASSAM
PIN-788007

4: SIBU DAS @ SHIVU DAS
S/O NORENDRA DAS
R/O CHINCOORIE ROAD

P.O. VIVEKANANDA ROAD

P.S. SILCHAR

DIST. CACHAR
ASSAM

PIN-78800

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. P K DEKA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 28.06.2024

Heard Mr. T.J. Mahanta, learned senior counsel for the petitioner.

The petitioners, namely, 1. Surajit Das Choudhury @ Sujit Das Choudhury, 2. Jayanta Chakrabarty, 3. Rahul Paul and 4. Sibu Das @ Shivu Das have filed this application under Section 438 Cr.P.C. with prayer for pre-arrest bail as they are apprehending arrest in connection with Silchar Police Station Case No. 441/2024 (G.R. Case No. 980/2024) under Sections 143/341/326/379/307 of the IPC.

Heard Mr. D.P. Goswami, learned Addl. P.P., Assam for the State respondent.

The FIR unfolds that on 25.05.2024 at about 9-30 PM the accused petitioners named in the FIR accompanied by some other miscreants came to the informant's liquor shop when he was closing his shop and demanded alcohol on credit. When the informant Sukanta Kar refused to provide the alcohol the accused persons named in the FIR assaulted him and snatched away some cash and a gold chain from him.

The learned Addl. P.P. has raised objection to the bail.

Mr. B.M. Choudhury, learned counsel for the informant has raised objection stating that the informant sustained grievous injury on his head and the petitioners were accompanied with the prime accused, namely, Surajit Das Choudhury with a common intention.

I have scrutinised the case diary. There are sufficient incriminating materials in the case diary and the allegations are directed specifically against Surajit Das Choudhury by the victim.

Considering the nature of injuries sustained by the victim and all aspects of the matter, the prayer for pre-arrest bail in favour of petitioner No. 1 stands rejected.

However, considering all aspects of the matter the prayer for pre-arrest bail in favour of petitioner Nos. 2,3 and 4 is allowed.

In view of the above, it is provided that in the event of arrest of petitioner Nos. 2,3 and 4, named above, in connection with Silchar Police Station Case No. 441/2024 (G.R. Case No. 980/2024) under Sections 143/341/326/379/307 of the IPC, they shall be enlarged on bail of Rs. 50,000/- (Rupees fifty thousand) each with one surety of the like amount to the satisfaction of the arresting authority subject to the following conditions :

1. The petitioners shall appear before the I.O. within 7 (Seven) days and cooperate with the investigation;
2. The petitioners shall not tamper with the evidence ; and
3. The petitioners shall refrain from such activities with which they are alleged.
4. on breach of any of the above bail conditions, the bail order shall stand cancelled.

Send back the Case diary.

The bail application is disposed of.

JUDGE

Comparing Assistant