

GAHC010121072024



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

Case No. : AB/1584/2024

LEVAN KASHYAP
S/O SRI JOSEPH KASYAP
R/O VILL- KATHALONI
P.O. TENGAKHAT, P.S. TENGAKHAT
DIST. DIBRUGARH, ASSAM
PIN-786103

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MS. D GHOSH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 28.06.2024

Heard Ms. N. Deka, learned counsel for the petitioner.

The petitioner, namely, Levan Kashyap has filed this application under Section 438 Cr.P.C. with prayer for pre-arrest bail apprehending his arrest in connection with Tengakhat Police Station Case No. 36/2024 registered under Sections 447/427/326 of the IPC.

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

The FIR unfolds that on 16.05.2024 while the informant's son was repairing the boundary fence of their house, suddenly the petitioner came with sharp knife and started cutting the bamboo fence, and attacked the informant's son Emanuel Hassastopshim causing grievous injury on his head.

The learned Addl. P.P. has raised objection against the bail petition.

Ms. N. Deka, the learned counsel for the petitioner submits that there is land dispute between both the families of the informant and the petitioner. It is also stated that the informant tried to encroach the land of the accused petitioner. The learned counsel for the petitioner submits that from the injury report it appears that the victim has sustained simple injury caused by blunt weapon.

I have considered the submission of the learned counsel for the petitioner that there was a scuffle between both the sides and the informant's son sustained simple injuries. It is also stated that the petitioner is ready to cooperate with the investigation.

Considering the submissions of the learned counsel appearing for both the parties and considering all aspects of the matter the prayer for pre-arrest bail is allowed.

In view of the above, it is provided that in the event of arrest of petitioner, named above, in connection with Tengakhat Police Station Case No. 36/2024 registered under Sections 447/427/326 of the IPC, he shall be enlarged on bail of Rs. 30,000/- (Rupees thirty thousand) with one surety of the like amount to the satisfaction of the arresting authority subject to the following conditions :

1. The petitioner shall appear before the I.O. within 7 (Seven) days and cooperate with the investigation;
2. The petitioner shall not tamper with the evidence ; and
3. The petitioner 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