

GAHC010121452024



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

Case No. : AB/1577/2024

RINGKANG DWIMARY AND ANR
S/O ALI DWIMARY, R/O PACHIM TAKAMPUR, KACHUGAON, DIST-
KOKRAJHAR, ASSAM, PIN-783370

2: JAIKLONG BASUMATARY
S/O HOLIRAM BASUMATARY
R/O DHANGURI
KACHUGAON
DIST-KOKRAJHAR
ASSAM
PIN-78337

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : P HAZARIKA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 27.06.2024

- 1.** Heard Mr. S. R. Rabha, learned counsel for the petitioners. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor for the State Respondent.
- 2.** This application has been preferred under Section 438 of Code of Criminal Procedure, 1973, by the petitioners, namely, (1) Ringkang Dwimary, and (2) Jaiklong Basumatary who are apprehending their arrest in connection with Kachugaon P. S. Case No. 08/2024 registered under Section 341/323/365/342/506/34 of the Indian Penal Code.
- 3.** The gist of the accusation in this case is that on 14.05.2024, one Budhi Ram Brahma had lodged an FIR before the Officer-in-Charge of Kachugaon Police Station, *inter-alia*, alleging that on the day of lodging the FIR, the informant was going to Kachugaon market in his own motorcycle, when two Bolero cars and one Alto car, intercepted him and the occupants of the said car assaulted him and threatened him. Later on he was taken to the Kachugaon ABSU Office and detained there by the petitioner No. 1 and petitioner No. 2 who are the office bearer of all Bodo students there.
- 4.** Learned counsel for the petitioner has submitted that the allegations against the petitioners in the FIR are not true. The incident happened during the parliamentary election, which was held in the month of May 2024 and the FIR was lodged against the present petitioner only due to political rivalry.

5. On the other hand, learned Additional Public Prosecutor has produced the case diary of Kachugaon P. S. Case No. 08/2024 and has submitted that the injury reports which is available in the case diary shows that the informant sustained no injury. He also submits that the Investigating Officer has in the meanwhile made substantial progress in the investigation. Though he also submits that there are some incriminating materials under Section 365 against the present petitioner.

6. I have considered the submissions made by the learned counsel for both the sides and have perused the materials available on record including the case diary which was produced by the Additional Public Prosecutor.

7. Though there are some incriminating materials against the above named petitioners, however, considering the fact that the injury reports reveals that the informant sustained no injury and also considering the fact that the investigation has progressed fairly well, the custodial detention of the above-named petitioners may not be necessary, if they cooperate in the investigation.

8. In view of the above, the above-named petitioners are directed to appear before the Investigating Officer of Kachugaon P. S. Case No. 08/2024 within a period of 10 days from the date of this order and co-operate with the Investigating Officer in fair completion of investigation. If they do so within the said period, in the event of their arrest in connection with Kachugaon P. S. Case No. 08/2024, the above named petitioners shall be allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only), each with one surety of like amount to the satisfaction of the arresting authority subject to the following conditions:

- i. That the petitioners shall co-operate in the investigation.
- ii. That the petitioners shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case, so as to dissuade such person from disclosing such facts of the case before the Investigating Officer.

9. With the above observations this anticipatory bail application is hereby disposed of.

JUDGE

Comparing Assistant