

GAHC010122762024



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

Case No. : Bail Appln./1774/2024

SURESH RAJBHAR
S/O LATE RAMSHAKAL RAJBHAR,
RESIDENT OF VILLAGE 4 NO. NAWAIBIL, PO AND PS KHERONI, DIST
WEST KARBI ANGLONG, ASSAM 782446

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR M Z SHAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 25-06-2024

Heard Mr. M.Z. Shah, learned counsel for the petitioner Sri Suresh Rajbhar, who has filed this application under Section 439 of the Code of Criminal Procedure, 1973 with prayer for bail as he is behind bars since 08.06.2024 in connection with Kheroni Police Station Case No. 30/2024 under Sections

294/448/354/326/323 of the Indian Penal Code, 1860.

2. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.

3. The allegation against the petitioner is that on 05.06.2024 at about 8:00 PM, he entered into the informant's house and inflicted a sharp cut on the hand of his daughter. Thereafter, the petitioner wielding a dao started chasing the other family members.

4. The learned Additional Public Prosecutor has raised objection stating that there are incriminating materials in the Case Diary against the petitioner. The injury report of the victim has not been forwarded along with the Case Diary.

5. I have perused the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner. Injury report has not been forwarded but the picture of the injury clearly reveals a deep slash on the victim's hand, which appears to be a grievous injury caused by a sharp weapon. I have also considered the period of detention and the progress of investigation. It appears that further custodial detention may not be required for the progress of investigation. Investigation has progressed to a considerable extent. The petitioner is willing to abide by any stringent bail conditions if imposed upon him. The petitioner is a local resident and he is not a flight risk. He has pledged to cooperate with the remaining part of the investigation.

6. Considering all aspects and in view of my foregoing discussion, petition is allowed.

7. 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 learned Chief Judicial Magistrate, West Karbi Anglong,

Hamren under the conditions that:

- (i) The petitioner shall refrain from such activities with which he is alleged.*
- (ii) The petitioner shall not exercise threats to the witnesses or try to influence them.*
- (iii) The petitioner shall not leave the jurisdiction of the jurisdictional Court without prior permission.*

8. On breach of any of the bail conditions, bail order shall stand cancelled.

9. In the above terms, this Bail Application stands disposed of.

10. Send back the Case Diary,

JUDGE

Comparing Assistant