

GAHC010123052024



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

Case No. : Bail Appln./1777/2024

AJIB PORJA
S/O LATE NARNU PARJA
R/O VILL- BORPUKHURI SOLA LINE,
P.S. BISWANATH CHARIALI
DIST. BISWANATH, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR SAURADEEP DEY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 28-06-2024

Heard Mr. S. Dey, learned counsel for the petitioner, Ajib Porja.

2. The petitioner has filed this application under Section 439 of Code of Criminal Procedure, 1973 (CrPC for short) with prayer for bail as he is behind bars since 06.05.2024 in connection with Biswanath Chariali Police Station Case

No. 101/2024 registered under Section 306 of the Indian Penal Code, 1860 (IPC for short).

2. Heard Mr. D.P. Goswami, learned Additional Public Prosecutor, Assam for the State of Assam. It is submitted by the learned Additional Public Prosecutor that there are incriminating materials in the Case Diary against the petitioner. The allegation against the petitioner is that he subjected the victim to cruelty and there were frequent quarrels between the petitioner and his deceased wife, which drove the victim to commit suicide.

3. It is submitted on behalf of the petitioner that the petitioner is languishing in the jail for 54 (Fifty Four) days. The statutory period under Section 167 (2) of the CrPC is about to elapse but charge sheet has not been submitted and thus, the petitioner deserves bail.

4. I have considered the submissions with circumspection. I have also scrutinized the Case Diary. Indeed there are incriminating materials against the petitioner in the Case Diary. I have also considered the length of detention. Charge sheet has not been submitted. However, investigation has progressed to a considerable extent.

5. In view of my foregoing discussions, petition is allowed.

6. The petitioner is 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, Biswanath Chariali.

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

8. Send back the Case Diary.

JUDGE

Comparing Assistant