

GAHC010127522024



2024:GAU-AS:9618

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

Case No. : AB/1640/2024

DHARMA DEKA
S/O LATE JATIN DEKA
PRESENTLY RESIDING AT HOUSE NO. 20, CHANDMARI, P.O.
BAMUNIMAIDAN, P.S. CHANDMARI, PIN-781003, DIST. KAMRUP (M),
ASSAM,
PERMANENT RESIDENT OF R/O KATAHI RAIGHAT, P.O. SANTIPUKHURI,
P.S. SIPAJHAR, DIST. DARRANG, ASSAM
PIN-784144

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MS D BORGOHAIN, MS M BORAH, MS. K BARUAH, MS. M SARMAH, MR. P GOHAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

25.09.2024

1. Heard Mr. P. Gohain, learned counsel for the petitioner. Also heard Mr. R. R. Kaushik, learned Additional Public Prosecutor for the State.
2. This application has been filed under Section 438 of the Code of Criminal

Procedure, 1973 has been filed by the petitioner, namely, Sri Dharma Deka, who is apprehending his arrest in connection with Dispur P.S. Case No. 593/2024, corresponding to GR Case No. 3513/2024, under Sections 504/324/325/34 of the Indian Penal Code.

3. The gist of accusation is that on 11.06.2024, one Pankaj Kalita had lodged an FIR before the Officer-in-Charge of Dispur Police Station, inter alia, alleging that on 12.06.2024 at about 1.00 AM, three unknown persons came to the restaurant where the petitioner also went for dinner. The said unknown persons started quarrelling with the informant without any reason and under the influence of alcohol, attacked the informant with sharp weapons and fled. Later on, the informant came to know that the names of two of the persons involved in the altercation were Dharma Deka (present petitioner) and one Rudra.

4. The learned counsel for the petitioner has submitted that on the fateful day, the petitioner accompanied his friend, namely, Amar Rajbongshi and it was with Amar Rajbongshi that the informant had an altercation.

5. Case Diary is received.

6. I have considered the submissions at the Bar with circumspection.

7. I have also scrutinized the Case Diary.

8. The petitioner has appeared before the IO and he has cooperated with the investigation. The petitioner has not violated any bail conditions.

9. Considering all aspects, interim order dated 26.06.2024, is hereby made absolute, under the same terms and conditions.
10. Anticipatory Bail Application stands disposed of.
11. Send back the Case Diary.

JUDGE

Comparing Assistant