

GAHC010127942024



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

Case No. : Bail Appln./1869/2024

HARSING TERANG
S/O- LATE SARTHE TERANG, R/O- VILL RONG CHINGRUM RONGPI GAON,
P.O- DIPHU, P.S- DIPHU, DIST- KARBI-ANGLONG, ASSAM, PIN- 782460

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A PHUKAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

18.07.2024

Heard Mr. A. Phukan, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner, who is languishing in jail *hazot* since 19.06.2024 in connection with Diphu P.S. Case No.39/2024, registered under Sections 120-B/302 of IPC *read with* Sections 25(1-A)/27/35 of the Arms Act.

The Case Diary has been received and I have perused the same.

The learned counsel for the petitioner, Mr. Phukan, submits that the present petitioner is innocent and not involved in the alleged offence. The petitioner admits that he has a love relationship with the deceased and used to provide financial assistant to her, and apart from that he has no role in the said offence. He further submitted that the petitioner was arrested merely on suspension that he might have helped his son i.e. the prime accused namely Mukrang Terang in providing the money to the killer and apart from that there is no such ground of arrest in the arrest memo. It is claimed that the petitioner's family members opposed his extramarital relationship. Mr. Phukan, learned counsel for the petitioner has submitted that the petitioner is behind the bar for the last 29 days, and the investigating officer got ample opportunity to interrogate the petitioner keeping him in custody and hence, considering the length of detention also he may be enlarged on bail. The petitioner being the

permanent resident of the address locality, there is no chance of absconding and he is ready to extend his co-operation in further investigation of the case, as and when required.

In this context, the learned Additional Public Prosecutor, Mr. Borthakur, has submitted that upon perusal of the Case Diary, it is evident that the petitioner's son, namely the prime accused Mukrang Terang, hired the killers to murder the deceased. However, there is no material available in the Case Diary to support the allegation that the petitioner aided the other co-accused in providing money to the hired killers for the murder of the victim.

Considering the submissions of learned counsel for both sides as well as materials available in the Case Diary and other aspect of the case including the ground of arrest, and considering the length of detention already undergone by the accused/petitioner, i.e. 29 days, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioner in the custody and accordingly, further custodial interrogation of the accused/petitioner seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Diphu, Karbi Anglong, the accused/petitioner, namely, **Sri Harsing Terang**, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the

facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and

- (iii) that the petitioner shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Diphu, Karbi Anglong, without prior permission.

In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant