

GAHC010129672024



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

Case No. : AB/1702/2024

RAJIB KALITA AND 2 ORS.
S/O SRI TARINI KALITA, R/O CHANDMARI, LACHIT NAGAR, P.O. AND P.S.-
TEZPUR, DIST-SONITPUR (ASSAM), PIN-784001

2: LAKHYA JYOTI NATH @ LAKHYAJIT NATH
S/O SRI DIPAK NATH
R/O VILL- BESSERIA KANAI
P.O.-BESSERIA, P.S.-TEZPUR
DIST- SONITPUR (ASSAM), PIN-784001

3: KIRITI KEOT
S/O SRI BADAN KEOT
R/O VILL- DEKARGAON
PUTHIKHATI
P.O.-DEKARGAON, P.S.-TEZPUR
DIST- SONITPUR (ASSAM), PIN-78400

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR D C K HAZARIKA
Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

26.07.2024

Heard Mr D C Kath Hazarika, learned counsel for the petitioners, 1) Sri Rajib

Kalita, 2) Sri Lakhya Jyoti Nath @ Lakhyajit Nath, and 3) Sri Kiriti Keot, who have filed this application under Section 438 of the Code of Criminal Procedure, 1973 with prayer for pre-arrest bail as they are apprehending arrest in connection with Tezpur Police Station Case No. 235/2024, corresponding to G.R. Case No. 683/2024 under Sections 389/392/34 of the Indian Penal Code, 1860.

2. Heard Mr B B Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

4. The allegation against the petitioners and the co-accused named in the FIR is that they identified themselves as journalists from T.V. channel and they acted aggressively and demanded Rs.71,000/- (Rupees Seventy One Thousand) and snatched away one gold chain from the informant and his companion and they also snatched away money amounting to Rs.25,000/- (Rupees Twenty Five Thousand) each (three times) through Gpay and Rs.25,000/- (Rupees Twenty Five Thousand) through ATM.

5. It is submitted on behalf of the petitioners that both the parties have amicably settled their dispute and this clearly reveals that a false case has been foisted against the petitioners. Annexure-G-1 of the petition is the Deed of Settlement between the parties which clearly reveals that this case was instituted due to some misunderstanding.

6. Learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary against the petitioners, but the petitioners have appeared before the IO and have cooperated with the investigation.

7. I have considered the submissions at the Bar with circumspection.
8. The petitioners have not violated any bail conditions.
9. Case Diary reveals that investigation has progressed to a considerable extent.
10. It appears that custodial interrogation of the petitioners may not be required. The petitioners have pledged to abide by any stringent conditions, if imposed upon them.
11. Considering all aspects and in view of my foregoing discussions, the interim order dated 11.07.2024, is hereby made absolute, under the conditions that-

- i) the petitioners shall refrain from such activities with which they are alleged,
and
- ii) the petitioners shall not leave the jurisdiction of the Court, without prior permission.

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

12. With the aforesaid directions, this Bail Application stands disposed of.

JUDGE

Comparing Assistant