

GAHC010130952024



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

Case No. : AB/1689/2024

SRI RAJU SHARMA AND ANR
S/O- BIDHAN SARMA,
RESIDENTS OF SAW MILL AREA, PASHIGHAT, POLICE STATION-
PASHIGHAT, PIN-791102, DIST-EAST SIANG, ARUNACHAL PRADESH

2: DEBASIS SHARMA @ DEB SHARMA
S/O- BIDHAN SARMA

RESIDENTS OF SAW MILL AREA
PASHIGHAT
POLICE STATION- PASHIGHAT
PIN-791102
DIST-EAST SIANG
ARUNACHAL PRADESH

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. HIMADRI SANKAR BORAH

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

28.06.2024

- 1.** Heard Mr. P. Hazarika, learned counsel for the petitioners. Also heard Ms. N. Das, learned Additional Public Prosecutor appearing for the State of Assam.
- 2.** This application under Section 438 of the Code of Criminal Procedure, 1973 has been filed by the petitioners, namely, 1. Sri Raju Sharma and 2. Sri Debasis Sharma, who are apprehending their arrest in connection with Silapathar P.S. Case No. 102/2024 under section 448/325/379/34 of the Indian Penal Code, 1860.
- 3.** The gist of accusation in this case is that on 11.05.2024, one Sri Arun Khakha had filed an FIR before the Officer-in-charge of Silapathar Police Station, *inter alia*, alleging that the above-named petitioners, along with one another named accused had demanded Rs.1,000/- from the informant and when the informant had expressed his inability to pay the same, they assaulted the informant and took away Rs. 3,000/- from him.
- 4.** It is also alleged that the petitioners had snatched away the mobile phones and also punched the informant on his face.
- 5.** The learned counsel for the petitioners has submitted that the allegations levelled in the FIR are not true.
- 6.** It is also submitted that the petitioners on the date mentioned in the FIR were also having their breakfast in a hotel in front of Swapna

Counter at Silapathar and there was some altercation with the informant which was later on resolved by the hotel.

7. The learned counsel for the petitioners also submits that the petitioners are ready and willing to co-operate in the investigation.

8. Considering the submissions made by learned counsel for both the parties as well as perused the documents annexed with the bail application.

9. Considering the nature of allegations levelled in the FIR, as well as considering the submissions made by the learned counsel for the petitioners, as discussed herein above, this Court is of the considered opinion that custodial detention of the present petitioners may not be necessary, if they co-operates in the investigation. Hence, the above-named petitioners, are directed to appear before the Investigating Officer of Silapathar P.S. Case No. 102/2024, within a period of 10 days from the date of this order and co-operate in the investigation. If he does so within the stipulated period of time, in the event of his arrest in connection with Silapathar P.S. Case No. 102/2024, the above named-petitioners shall be allowed to go on interim bail of Rs. 30,000/- each with a suitable surety of like amount to the satisfaction of the arresting authority, subject to the conditions that:-

- (i)** the petitioners shall co-operate in the investigation; and **(ii)** the petitioners shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such

person from disclosing such facts before the Investigating Officer or to any Court.

10. With the above observations, this anticipatory bail application is hereby disposed of.

JUDGE

Comparing Assistant