

GAHC010138282024



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

Case No. : AB/1787/2024

RAMESWAR MAJHI
S/O LATE FUDAN MAJHI, R/O VILL- TINGRAI, P.S.-DIGBOI, P.O.-TINGRAI,
DIST- TINSUKIA, ASSAM, PIN-786171

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. T DEURI, MS A DAS

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 02.08.2024

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

This is an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Digboi P.S. Case No. 77/2024, under Sections 147/323/326/379/427 of the Indian Penal Code.

Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. Deuri, learned counsel for the petitioner, that it is a fact that on the day of incident, the accused/petitioner was also present at the place of occurrence and the vehicle of the informant was stopped by the members of the village security force suspecting that they have committed the theft of the cattle. But, as alleged in the F.I.R., the present petitioner is not the assailant. However, he may be caught in the video footage. Rather, he was trying to stop the other people from assaulting the victims. The petitioner is however ready and willing to co-operate the I.O. in the further investigation of this case if he is granted with the privilege of pre-arrest bail.

Mr. P. Borthakur, learned Additional Public Prosecutor, has submitted in this regard that the victim as well as the other witnesses also brought the allegation

against the present accused/petitioner and as per them, he is the main assailant of the case. Further, from the Injury Report, it is seen that one Sunanda Gogoi received some grievous injuries on his person and the other persons sustained simple injury.

After hearing the submissions made by the learned counsels for both sides and also considering the entire circumstances of the case, viz-a-viz the materials available in the Case Diary, I find that the custodial interrogation of the present accused/petitioner may not be required for the interest of the investigation and hence, I find it a fit case to extend the privilege of pre-arrest bail to the accused/petitioner.

Accordingly, it is provided that in the event of arrest of the accused/petitioner, namely, Shri Rameswar Majhi, in connection with Digboi P.S. Case No. 77/2024, under Sections 147/323/ 326/379/427 of the Indian Penal Code, he shall be enlarged on pre-arrest bail on his executing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:

- (i) that the petitioner shall fully co-operate with the investigation of the case and shall appear before the Investigating Officer as and when required in connection with the investigation of the aforesaid P.S. Case; and
- (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.

The anticipatory bail application stands disposed of in terms above.

The Case Diary be sent back.

JUDGE

Comparing Assistant