

GAHC010139282024



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

Case No. : Bail Appln./2041/2024

SANSUMA BASUMATARY AND ANR
S/O- BILAM BASUMATARY ,
VILLAGE- JANAGAON, TITAGURI,
P.S-KOKRAJHAR,
DIST- KOKRAJHAR, ASSAM, PIN-783370

2: MANIRAJ BANGOWARY
S/O- RUGUNATH BANGOWARY

VILLAGE- KHARGAON

P.S-KOKRAJHAR

DIST- KOKRAJHAR
ASSAM
PIN-78337

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR PRANAB KUMAR MAZUMDAR, MR. S K DEORI, RAJU DEURI

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 31.07.2024

Heard Mr. R. Deuri, learned counsel for the petitioners and Mr. KK Parasar, learned Addl. Public Prosecutor for the State respondent.

It is submitted by the learned Addl. P.P. that inspite of several intimations made to the I.O., the case diary is not received and there is no explanation as to why the case diary could not be furnished by the concerned Investigating Officer.

Heard both sides.

This is an application under Section 483 of BNSS, 2023, filed by the petitioners, namely **(1) Sri Sansuma Basumatary** and **(2) Sri Maniraj Bangowary**, praying for release on bail in connection with Kokrajhar P.S. Case No. 139/2024 under Sections 386/34 IPC.

It is submitted by Mr. Deuri, the learned counsel for the petitioners that both the petitioners were arrested in connection with this case on 21.06.2024 and since then they have been detained in judicial custody. He further submits that the petitioners have not committed any offence as alleged in the FIR and both the accused are students and they are the members of Bodo National Students' Union. He further submits that the shop keeper personally knew them and hence, the question of demand of money from the shop keeper does not arise. The FIR has been lodged due to political rivalry and the shop keeper from whom the alleged demand of money was made, has already sworn an affidavit and filed before this court wherein it is clearly stated that the accused petitioners in the name of the organization never demanded any such money

from him. The learned counsel for the petitioners submitted that the I.O. has got sufficient time to interrogate the accused/petitioners and hence, further custodial interrogation may not be required for investigation of the case. He submits that considering the period of detention, the petitioners may be released on bail. However, the petitioners are ready and willing to cooperate with the investigation of the case.

On the other hand, Mr. Parasar, the learned Additional Public Prosecutor has submitted that there is allegation of demand of money and as the C.D. is not available with him, he is not in a position to submit anything regarding merit or demerit of the case. However, considering the period of detention, bail may be granted to the petitioners.

After hearing the submissions of the learned counsel for both the parties and considering the entire aspect of the matter, *visa-viz* the period of detention already undergone by the petitioners, this court is of the view that custodial interrogation may not be required and hence, I find it to be a fit case to grant bail to the accused petitioners.

Accordingly, it is directed that the petitioners named above, be released on bail on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) each with 1 (one) suitable surety of like amount to the satisfaction of the learned CJM, Kokrajhar in connection with the aforementioned case.

The direction for bail is further subject to the conditions that the accused-petitioners:

1. shall not leave the territorial jurisdiction of the learned CJM, Kokrajhar, without prior written permission from him/ her;
2. shall not hamper in the investigation of the case and tamper with

the evidence of the case; and

3. 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.

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

JUDGE

Comparing Assistant