

GAHC010140982024



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

Case No. : Bail Appln./2077/2024

DIPAK HATIBORUAH @ DIBRA ASOM
S/O LATE DABEN HATIBORUAH, R/O VILL- 2 TOKUONI, P.O. AND P.S.-
DIGBOI, DIST- TINSUKIA, ASSAM, PIN-786171

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR G ALAM, MR S A MUSSABIR, MR S AHMED, MR S R A
NASER

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 13.08.2024

Heard Mr. SRA, Naser, learned counsel for the petitioner and Mr. R.J.Baruah, learned Addl.P.P for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Dipak Hatiboruah @ Dibra Asom** has prayed for grant of bail in connection with

Sessions Case No. 85(S-N)/2021 pending in the court of learned Additional Sessions Judge, Sivasagar (Simaluguri P.S. Case No.46/2021) under Sections 120B/121/121A/122/447/365/143 of the IPC r/w Section 25 (1) (a)/27 of Arms Act r/w Section 10/13/16/18/19/20/38/39/40 of UA (P) Act.

Learned counsel for the petitioner submits that as regards complicity of the petitioner in the alleged offence, nothing is revealed in the FIR or in the charge sheet. However, the petitioner had been shown as absconder in the charge sheet. Subsequently, on 22.04.2024, he had surrendered before the trial court seeking bail but bail was not granted and he was forwarded to judicial custody on the same day and since then he has been languishing in judicial custody. It is further submitted that as charge sheet has been laid, there is no question of hampering the investigation or tempering with the evidence by the petitioner and as such, considering length of detention, petitioner may be enlarged on bail.

Learned Addl.P.P submits that the accused petitioner has willingly surrendered before the trial court on his own. A letter dated 08.08.2024 issued from the office of the Superintendent of Police, SOU, Kahilipara, Guwahati addressed to the learned Public Prosecutor, Assam reveals that there has been no report of involvement of the petitioner in any kind of criminal activity after his surrender and he is co-operating with the administration and as such, bail prayer of the petitioner may be considered.

Having heard the learned counsel for the parties and considering the matter in its entirety and also length of detention, this Court is inclined to grant bail to the petitioner.

Accordingly, it is provided that the petitioner named above shall be released

on furnishing bail bond of **Rs. 50,000/-** with two sureties of like amount to the satisfaction of the learned **Additional Sessions Judge, Sivasagar**, subject to the following conditions;-

- (i) The petitioner shall not leave the territorial jurisdiction of learned **Additional Sessions Judge, Sivasagar** without prior written permission from him/her;
- (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 Police Officer or the Court.

Violation of any condition shall tantamount to cancellation of bail.

The letter dated 08.08.2024 may be treated as a part of the record and be marked as 'X'.

The bail application stands disposed of.

JUDGE

Comparing Assistant