

GAHC010141532024



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

Case No. : Bail Appln./2072/2024

PRITAM DEY
S/O LATE PIJUSH KANTI DEY, VILL- DIYANPASHA, P.O.-DIYANPASHA, P.S.-
DHARMANAGAR, DIST- DHARMANAGAR, TRIPURA, PIN-799254

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S AHMED, MS N AKTAR, MS. M. KHATUN
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

06.08.2024

Heard Mr. S. Ahmed, learned counsel appearing for the accused petitioner as well as Mr. R. J. Baruah, learned Addl. P.P., Assam appearing for the State respondent.

By filing this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Pritam Dey**, has prayed for grant of bail in connection with **Basistha P.S. Case No.402/2024** under Sections **380/420/468/471 of IPC R/W Section 53(1) (a) of the Assam Excise Act.**

It is submitted by the learned counsel for the petitioner that the accused

petitioner has been languishing in judicial custody for last 62 days since his arrest on 05.06.2024 and charge-sheet has not yet been submitted. Hence, the petitioner is entitled for default bail.

On the other hand, Mr. R. J. Baruah, learned Additional Public Prosecutor has produced case diary and submits that there is sufficient incriminating material against the petitioner. However, he confirmed that the case is pending for submission of charge-sheet.

In view of the submission of learned counsel for both the parties and considering the length of detention, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary in the interest of investigation of the case.

Accordingly, the petitioner, named above, shall be released on bail, on furnishing bail bond of **Rs.50,000/-** with **two suitable sureties each** of the like amount out of which one of the surety must be a government employee of Assam, to the satisfaction of learned **Chief Judicial Magistrate, Kamrup(M), Guwahati**.

The direction for bail is further subject to the conditions that the petitioner:

- (a) shall not leave the territorial jurisdiction of learned Chief Judicial Magistrate, Kamrup(M), Guwahati without prior written permission from him/her;
- (b) shall not hamper with the investigation, or tamper with the evidence of the case;
- (c) 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, this bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant