

GAHC010145152024



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

Case No. : Bail Appln./2145/2024

VICTOR DAS
S/O LATE KUMUD DAS, R/O DADARA, NEAR DURGA MANDIR, P.S.-HAJO,
DIST- KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR B M DEKA, MR P SONOWAL, MS. P. NAIDING, MR D
MEDHI, S YESMIN

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

01.08.2024

Heard Mr. B. M. Deka, learned counsel for the petitioner. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State respondent.

This application, filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying for grant of bail to the accused/petitioner, who has been languishing in jail since 13.07.2024 in connection with Hajo P.S. Case No. 253/2024, registered under Sections 296/132/121(2)/109/351(2) of BNS, 2023.

The case Diary has been received and I have perused the same.

Mr. Deka, learned counsel for the petitioner, has submitted that the petitioner is innocent and has not committed any offence as alleged in the FIR. The FIR itself reveals that the police personals along with local goons visited the petitioner's house for a preliminary investigation. But, the question arises as to why they visited the petitioner's house at around 10:30 PM. During their visit, these officers damaged the CCTV cameras installed at the petitioner's house.

He further submitted that on the day of the incident, approximately 30 police officers, along with some local goons including one named Pradip Thakuria, who claimed to be a BJP worker, assaulted the petitioner's aunt and his cousin. In this regard, the petitioner's aunt also lodged an FIR against Pradip Thakuria. More so, the petitioner has been in custody since 13.07.2024 and thus, the IO got sufficient time to interrogate the petitioner keeping him in the custody. Accordingly, considering the length of detention undergone by the accused/petitioner, he may be enlarged on bail. He also submitted that the

petitioner is the resident of the addressed locality and thus, there is no chance of absconding, rather, he is ready and willing to co-operate the IO with further investigation of the case, if he is enlarged on bail.

On the other hand, the learned Additional Public Prosecutor, Mr. Parasar, has submitted that based on the materials available in the case diary and the statement made by the accused/petitioner, it is seen that on the day of the incident, the petitioner was celebrating a birthday party with his students and friends. The petitioner, in an intoxicated state, slapped one of his students and subsequently broke the glass of a vehicle, leading to the registration of a case against him. Regarding this incident, the police visited the petitioner's house to inquire about the case. However, the petitioner allegedly assaulted the police officers during their visit. In this regard, there is no injury report available in the case diary, however, the photographs indicate that the police personal sustained injuries. Consequently, he raised objection in granting bail to the accused/petitioner at this stage, stating that further custodial interrogation may be required in connection with this case.

Considering the submissions of learned counsels for both sides and also considering the nature of offence and further considering the length of detention already undergone by the accused/petitioner, i.e. since 13.07.2024, I am of the view that further custodial detention may not be required as the IO got sufficient opportunity to interrogate the accused/petitioner by keeping him in the custody.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned JMFC, Hajo, the accused/petitioner, namely, **Victor**

Das, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
- (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; and
- (iii) that the petitioner shall not leave the jurisdiction of the learned JMFC, Hajo, without prior permission.

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

JUDGE

Comparing Assistant