

GAHC010146302024



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

Case No. : Bail Appln./2135/2024

AJIT DAS
S/O NIMAI DAS, R/O VILL- SUBHASNAGAR, LANKA, P.S.-LANKA, DIST-
HOJAI, ASSAM, PIN CODE-782435. PRESENT ADD- KUSHAL NAGAR, C/O
SUJIT DAS, P.S.-SONAPUR, DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS. T SOM, MR H DAS, MS. U HAZARIKA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 05.08.2024

Heard Ms. T. Som, learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned Addl. P.P., Assam for the State respondent.

The petitioner, namely, Ajit Das has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS) with prayer for bail in connection with Sonapur P.S. Case No. 143/2024 registered under Sections 354/ 354(A)/ 354(B)/354(D)/506/ 509 of the IPC.

Case diary as called for is not received.

The learned counsel for the petitioner has submitted that the petitioner is behind the bars for almost a month and prays for bail without the case diary. The FIR has been erroneously registered under the IPC instead of registering the offences under the BNSS, 2023. It is also submitted that the FIR has been lodged with false allegation after 3 months. The petitioner is behind the bars for about a month since the date of his arrest on 11.07.2024. It is submitted that the petitioner is ready to cooperate with the investigation and abide by any conditions imposed upon him.

I have considered the submissions at the bar with circumspection. I have also considered the submission that the petitioner is willing to abide by any stringent bail conditions, if imposed upon him.

Considering all aspects of the matter and in view of my foregoing discussions, bail petition is allowed. The petitioner is enlarged on bail of Rs. 30,000/- (Rupees thirty thousand), with a suitable surety of the like amount to the satisfaction of the learned CJM, Kamrup (M) under the conditions that :

1. The petitioner shall not exercise threats to the witnesses and shall refrain from such activities with which he is alleged; and
2. The petitioner shall not leave the jurisdiction of the jurisdictional Court without prior permission.
3. The petitioner shall cooperate with the Investigating Officer for the remaining part of the investigation.

On breach of any of the bail conditions, the bail order shall stand cancelled.

JUDGE

Comparing Assistant