

GAHC010155452024



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

Case No. : Bail Appln./2286/2024

KARNA DAIMARY AND ANR
S/O SRI HARENDRA DAIMARY, R/O VILL- NO. 1 KAPALABORI, P.S.-
MUKALMUWA, DIST- NALBARI, ASSAM

2: HARJYOTI BAISHYA
S/O LATE KAMALESWAR BAISHYA
R/O VILL- KALDI
P.S.-MUKALMUWA
DIST- NALBARI
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY,

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 19.08.2024

Heard Mr. B. Chowdhury, learned counsel for the petitioners. Also heard Mr. B. B. Goswami, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (under old Act Section 439 of the Code of Criminal Procedure, 1973) praying for grant of bail to the accused/petitioners, who have been arrested in connection with Nagaon P.S. Case No. 372/2024 (corresponding to G.R. Case No. 850/2024) under Section 392 of the Indian Penal Code.

Mr. Chowdhury, learned counsel for the petitioners, submitted that the present accused/petitioners are shown arrested in connection with this case on 20.06.2024 and nothing has been seized from their possession. They are innocent and no way connected in the alleged offence. However, they are in custody for last 60 days and hence, considering their length of detention and also considering the ground of parity, as the co-accused has also been released on bail in connection with this case, they may be released on bail.

Mr. Goswami, learned Additional Public Prosecutor, has submitted in this regard that the only ground of parity cannot be considered and hence he insisted on calling for the Case Diary to know the actual fact of the case.

Considering the submissions made by the learned counsels for both sides, without going by the merit of the case and only considering the length of detention already undergone by the present accused/petitioners and also on the ground of parity, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioners keeping them in custody and accordingly, further custodial interrogation of the accused/ petitioners seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only each with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Nagaon, the accused/petitioners, namely, (i) Sri Karna Daimary & (ii) Sri Harjyoti Baishya, be enlarged on bail, subject to the following conditions:

- (i) that the petitioners shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) that the petitioners 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 petitioners shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Nagaon, without prior permission.

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

JUDGE

Comparing Assistant