

GAHC010155562024



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

Case No. : Bail Appln./2347/2024

MUKRUNG TERANG AND 2 ORS
S/O HARSING TERANG, R/O VILL- RONG CHINGRUM RONGPI GAON, P.O.-
DIPHU, P.S.-DIPHU, DIST- KARBI ANGLONG, ASSAM, PIN-782460

2: RANGSINA RONGPI
S/O MENSING RONGPI
VILL- LINDOK RONGPI GAON
P.S.-CHOWKIHOLA
DIST- KARBI ANGLONG
ASSAM
PIN-782470

3: PROBIN @ SARKLIN RONGPI
S/O MENSING RONGPI
VILL- LINDOK RONGPI GAON
P.S.-CHOWKIHOLA
DIST- KARBI ANGLONG
ASSAM
PIN-78247

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A PHUKAN, MR. J HATIMURIA, MR. N M DAS

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 09.09.2024

Heard Mr. A. Phukan, learned counsel for the petitioners. Also heard Ms. N. Das, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 483 of the BNSS 2023 praying for grant of bail to the accused/petitioners, who have been arrested in connection with Diphu P.S. Case No. 39/2024, under Sections 120B/302 of the Indian Penal Code *read with* Section 25(1-A)/27/35 of the Arms Act.

Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. Phukan, learned counsel for the petitioners, that the present accused/petitioners are innocent and they are not at all involved in the alleged offence. However, he submitted that he is praying for enlargement on bail of the present accused/petitioners only considering their length of detention. The petitioner Nos. 1 & 2 are in custody for last 87 days and the petitioner No. 3 is in custody for last 82 days and hence, considering their length of detention only, their bail prayer may be considered.

Ms. N. Das, learned Additional Public Prosecutor, has submitted in this regard that there are sufficient incriminating materials in the Case Diary. However, on enquiry, it was reported to her that the I.O. of the case has already been changed and hence, there may not be any probability of filing the Charge-

Sheet within the statutory period of 90 days.

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, 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, Diphu, the accused/petitioners, namely, (i) Shri Mukrung Terang, (ii) Shri Rangsina Rongpi & (iii) Shri Probin @ Sarklin Rongpi, 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, Diphu, without prior permission.

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

JUDGE

Comparing Assistant