

GAHC010155872024



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

Case No. : AB/2080/2024

KHANINDRA BASUMATARY AND 2 ORS
S/O RAJENDRA BASUMATARY
R/O VILL- HALDIBARI
GOHPUR,
P.S. GOHPUR,
DIST. BISWANATH, ASSAM, PIN-782123

2: DHIREN DAIMARY
S/O LAKHAN DAIMARY
R/O NO. 1 SONARIJAN

SONAPUR
.S. GOHPUR

DIST. BISWANATH
ASSAM

PIN- 782123

3: ANJALU SAWRGIARY
S/O HALIRAM SWARGIARY
R/O VILL- 1 NO. HALDIBARI
P.S. GOHPUR

DIST. BISWNATH
ASSAM
PIN- 78212

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. K BORUAH, MS. P BORAH,MR. M ALAM

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 20.08.2024

Heard Mr. K. Baruah, learned counsel for the petitioners, Nos. (1) Khanindra Basumatary, 2) Dhiren Daimary and (3) Anjalu Sawrgiary.

The petitioners have filed this bail application under Section 482 of BNSS, 2023, with prayer for releasing them on pre-arrest bail as they are apprehending arrest in connection with Gohpur P.S. Case No. 111/2024 (Corresponding to G.R. Case No. 220/2024) under Section 305 of BNS, 2023.

Also heard Mr. B.B. Gogoi, learned Addl. Public Prosecutor for the State respondent.

The allegation made against the petitioners is that they are involved with theft of cattle from the possession of the informant.

The learned Addl. P.P. has raised objection against the prayer of pre-arrest bail and submitted that there are incriminating materials against the accused/ petitioner No. 1 and 3. He also submitted that the petitioners are not entitled to get the benefit of pre-arrest bail in this case.

It is submitted on behalf of the petitioners that annexure B reveals that the cows were not recovered from the possession of any of the petitioners.

I have considered the submissions at the Bar.

It is submitted on behalf of the petitioners that the petitioners will abide by any terms and conditions and shall cooperate with the remaining part of investigation.

In view of the above in the event of arrest of the petitioners named above, in connection with the aforementioned case, the petitioners be released on pre-arrest bail on furnishing a bond of Rs. 50,000/ each with one surety of the like amount to the satisfaction of the arresting authority.

The pre-arrest bail is granted on the following conditions:-

- (1) the petitioners shall maintain peace and refrain from such activities with which they are alleged,
- (2) the petitioners shall appear before the I.O. within 2 (two) weeks from today and shall cooperate with the investigation, and
- (3) the petitioners shall not hamper with the investigation or tamper with the evidence of the case.

On breach of any of the conditions, the bail order stands cancelled.

The bail application is disposed of.

JUDGE

Comparing Assistant