

GAHC010155902024



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

Case No. : Bail Appln./2330/2024

AMIT BHOWMIK
S/O TARAKANTA BHOWMIK, R/O VILL- 2 NO. BAGURIKHUTI, P.S.-
TAMULPUR, DIST- TAMULPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:THE STATE OF ASSAM
REP. BY THE PP ASSA

Advocate for the Petitioner : MR. R ALI, MR. MUSTAFA HUSSAIN,MR H A AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 16.08.2024

Heard Mr. R. Ali, learned counsel for the petitioner and Mr. M.P. Goswami, learned APP for the State.

2. The petitioner, who was arrested on 02.06.2024, is seeking regular bail under section 483 of the BNSS-2023 in connection with Dispur P.S. Case No.

539/2024 under sections 341/326/307 IPC.

3. The previous bail application being BA 1763/2024 was rejected by this Court by order dated 11.07.2024.

4. The learned APP has opposed the prayer for bail on the ground that the petitioner has grievously injured a young female and has caused the following injuries, viz., (i) cut injury at multiple fingers of both hands with near total amputation of right index finger tip; (ii) left brachial plexus and neck penetrating injuries; (iii) right thigh lacerated injury; (iv) lower abdominal wall lacerated injury; and (v) left hand injury.

5. From the contents of the FIR, it appears that the petitioner has attacked the victim with sharp weapon and cause grievous injuries on her and she was admitted to private hospital at Guwahati in a critical condition in the ICU. In this regard, the learned counsel for the petitioner has referred to the statement made in paragraph 7 of the bail application and has submitted that in the meanwhile, the victim has already been released from the hospital.

6. It is also noted that on a perusal of the case diary, the prayer for bail of the petitioner was rejected by order dated 11.07.2024 in BA 1763/2024 by recording the nature of injuries sustained by the victim.

7 However, on a consideration that the petitioner was arrested and remanded back to custody on 02.06.2024 and has spent 76 days in custody, considering the length of detention, the Court is of the considered opinion that further custodial interrogation of the petitioner may not be necessary. Hence, the Court is inclined to grant bail to the petitioner, namely, Amit Bhowmik in connection with the aforesaid case on furnishing bail bond of Rs.20,000/- with one suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate,

Kamrup(M), Guwahati.

8. The bail is granted on the following conditions:

i. The petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.

ii. 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 Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.

iii. The petitioner shall not obstruct the smooth progress of the investigation/trial.

iv. The petitioner shall not misuse their liberty in any manner.

v. The petitioner shall appear before the I/O once in a month till his appearance is no longer required or till charge-sheet is filed, whichever is earlier.

9. It is also provided that if the petitioner makes any attempt to meet and/ or threaten the victim or any of her family members, it would be open to the Investigating Officer to move the jurisdictional Court for cancellation of bail

10. This application stands disposed of.

JUDGE

Comparing Assistant