

GAHC010156662024



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

Case No. : AB/2058/2024

BINUD PEGU ALIAS BINOD PEGU AND 5 ORS
S/O SRI CHANDRA NATH
PEGU,
R/O VILL- MOHMARA, P.S. JONAI,
PIN-787060
DIST. DHEMAJI, ASSAM
MOBILE NO. 7896376536

2: SRI JINTU DANG
S/O LT. CHIRA DANG
R/O VILL- NO. 2 MURKONG SELEK
P.O. AND P.S. JONAI
PIN-787060
DIST. DHEMAJI
ASSAM
MOBILE NO. 807356257

3: SRI HARA KANTA PEGU
S/O LT. NIRMAL PEGU
R/O VILL- GINE MOHMORA
P.O. AND P.S. JONAI
PIN-787060
DIST. DHEMAJI
ASSAM
PIN- 6002277343

4: SRI RAHUL PEGU
S/O SRI MALAYA PEGU
R/O VILL- RATANPUR
P.O. AND P.S. JONAI
PIN-787060
DIST. DHEMAJI
ASSAM
MOBILE NO. 6001618678

5: SRI PRADIP DOLEY
S/O SRI BIDYA DHAR DOLEY
R/O VILL- RATANPUR
P.O. AND P.S. JONAI
PIN-787060
DIST. DHEMAJI ASSAM
MOBILE NO. 8474001417

6: SRI SADAGAR KUTUM
S/O SRI MON KUTUM
R/O VILL- MUKALI PATHAR
P.O. AND P.S. JONAI
PIN- 787060
DIST. DHEMAJI ASSAM

MOBILE NO. 600190515

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR G JALAN, MS. K K CHETIA PHUKAN,S FAZIL

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

19.08.2024

Heard Mr G Jalan, learned counsel for the petitioners, 1) Sri Binud Pegu @ Binod Pegu, 2) Sri Jintu Dang, 3) Sri Hara Kanta Pegu, 4) Sri Rahul Pegu, 5) Sri Pradip Doley and 6) Sri Sadagar Kutum, who have filed this application under Section 482 of the BNSS, 2023, with prayer for pre-arrest bail as they are apprehending arrest in connection with Jonai PS Case No. 76/2024, corresponding to GR Case No. 111/2024,

registered under Sections 126(2)/117(2)/140(3) of BNS, 2023.

2. Heard Mr R R Kaushik, learned Additional Public Prosecutor for the State of Assam.

3. The FIR unfolds that on 27.07.2024, while the informant's husband, Sri Sayef Poa was sitting at Lakhi Hotel near Murkong Selek block at about 10:30 am. The petitioners have assaulted him causing grievous injuries on his person. Thereafter, the petitioners have taken him in a White Bolero to some unknown place.

4. It is submitted on behalf of the petitioners that they been falsely framed in the instant case with ulterior motive and without any iota of truth.

5. The petitioner No. 3, Sri Hara Kanta Pegu and petitioner No. 6, Sri Sadagar Kutum, who are President and Secretary of Takam Mising Porin Kebang, have also lodged an FIR, which has been registered as Jonai PS Case No. 75/2024. As a counterblast, the present FIR has been lodged.

6. I have scrutinized the Case Diary and I have considered the submissions at the Bar with circumspection.

7. The informant's husband, Sayef Poa has sustained simple injuries.

8. I have considered the submission that the petitioners are willing to cooperate with the remaining part of investigation and abide by any stringent bail conditions, if imposed upon them.

9. The petitioners are local residents and are not flight risks. It appears that custodial interrogation may not be required in connection with this case.

10. Considering all aspects and in view of my foregoing discussions, petition is allowed. In the event of their arrest, the petitioners shall be enlarged on bail of Rs. 30,000/- each, with a suitable surety each of the like amount to the satisfaction of the learned SDJM(M), Jonai under the conditions that-

- i) the petitioners shall refrain from such activities with which they are alleged
- ii) the petitioners shall appear before the IO within one week and cooperate with the investigation,
- iii) the petitioners shall not exercise threats to the witnesses and maintain the peace, and
- iv) the petitioners shall not leave the jurisdiction of the Court, without prior permission.

10.1. On breach of any of the bail conditions, this pre-arrest bail order shall automatically stand cancelled.

11. Anticipatory Bail Application stands disposed of.

12. Send back the Case Diary.

JUDGE

Comparing Assistant