

GAHC010156802024



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

Case No. : Bail Appln./2328/2024

DHRUBAJYOTI KALITA
S/O AKSHAY KALITA, R/O NO. 1 SALBARI, P.S.-NOONMATI, DIST- KAMRUP
(M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR D MEDHI, MR P SONOWAL, MS. P. NAIDING, MS. NANDITA
DEVI, MR K THAKUR

Advocate for the Respondent : PP, ASSAM, MR B BHATTACHARYYA

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

28.08.2024

1. Heard learned counsel Mr. D. Medhi for the petitioner Dhrubajyoti Kalita.
2. The petitioner has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 27.07.2024 in connection with Dispur Police Station Case No. 768/2024 under

Sections 115(2)/296/351(2)/117(2)/324(2)/74/79 of the BNSS.

3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State and learned counsel Mr. B. Bhattacharyya for the informant.
4. The FIR unfolds that on 26.07.2024, when the victim was returning home after giving a statement at Dispur P.S., based on a previously lodged FIR against the petitioner who is her boyfriend, Dhrubajyoti Kalita; the petitioner along with his sister, Himakhi Kalita and her boyfriend, Nabajit took advantage of the situation and pulled the victim inside the four wheeler in which they were travelling. Then, the petitioner grabbed the victim's hand through the car window and dragged her inside the car. The petitioner also used obscene language and threatened to kill her. Nabajyoti was sitting on the driver's seat and he also threatened her stating that she would be eliminated and it was her last day. The victim then tried to raise alarm and the neighbours came to her rescue, while the petitioner and the other accused fled. The victim sustained injuries on her knees, head, left eye and her hands.
5. Learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary against the petitioner. I have scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner.
6. Learned counsel for the informant has submitted that the petitioner has been harassing the victim and he also went to the extent of threatening the victim after the FIR was lodged. The victim is apprehending that the petitioner may act in an aggressive manner.
7. I have considered the submissions at the Bar with circumspection.
8. It is submitted on behalf of the petitioner that the petitioner is willing to co-

operate with the investigation and he is willing to abide by any stringent bail conditions, if imposed upon him.

9. In view of my foregoing discussions, petition is allowed. The petitioner shall be enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with a suitable surety of like amount to the satisfaction of the learned CJM, Kamrup, (M) under the conditions that:

- (i) The petitioner shall not go anywhere near the vicinity of the victim,
- (ii) The petitioner shall not exercise threats to the victim,
- (iii) The petitioner shall not leave the jurisdiction of the Court without prior permission, and
- (iv) The petitioner shall appear before the Investigating Officer every fortnight till completion of investigation.

10. On breach of any of the bail conditions, bail order shall stand automatically cancelled.

11. In terms of the above observation, Bail Application stands disposed of.

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JUDGE

Comparing Assistant