

GAHC010158972024



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

Case No. : Bail Appln./2357/2024

GOBINDA TALUKDAR
S/O LATE HARI CHARAN TALUKDAR, VILL-KALDI, P.S.-MUKALMUWA,
DIST- NALBARI, ASSAM, PIN-781138

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S BARMAN, MR L RABHA

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

31.08.2024

Heard Mr. S. Barman, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This application, filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, praying for grant of bail to the accused/petitioner, who has been languishing in jail since 20.06.2024 in connection with Nagaon P.S. Case No. 372/2024 registered under Section 392 of IPC.

The learned counsel for the petitioner, Mr. Sarmah, submits that the petitioner has been arrested in connection with this case and has been in custody since 20.06.2024. It is submitted that nothing was seized from the petitioner's possession in relation to this case and he was shown arrested in connection with this case. He further submits that the petitioner was previously arrested in connection with Jagiroad P.S. Case No. 95/2024 and was granted bail in Bail Application No. 2074/2024. Accordingly, he submits that considering the length of detention undergone by the present petitioner, he may be allowed to go on bail. Furthermore, the petitioner is still ready and willing to cooperate with the investigating officer for further investigation, if bail is granted.

In this regard, Mr. Borthakur, learned Additional Public Prosecutor, stated that the present case pertains to Nagaon Police Station Case No.372/2024 whereas the earlier case was related to Jagiroad Police Station case No.95/2024. He further mentioned that according to the contents of the First Information Report (FIR), the incident took place on the highway. Additionally, he submitted that the case has been registered under Section 392 of the IPC and thus, he raised objection in granting bail

to the accused/petitioner at this stage.

Considering the submissions of learned counsels for both sides and the length of detention already undergone by the accused/petitioner, and without delving into the merits of the case, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioner keeping him in the custody and accordingly, further custodial interrogation of the accused/petitioner 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 with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Nagaon, the accused/petitioner, namely, Gobindo Talukdar, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) that 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 the Court or to any police officer; and
- (iii) that the petitioner shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Nagaon, without prior permission.

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

JUDGE

Comparing Assistant