

GAHC010150322024



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

Case No. : Bail Appln./2219/2024

MOTILAL MANDAL
S/O LATE SITANATH MANDAL, VILL- 1 NO. OUJARI, P.S.-KHETRI, DIST-
KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A M AHMED, P. GHOSH

Advocate for the Respondent : PP, ASSAM,

Linked Case : AB/2133/2024

PRANATI MANDAL AND 4 ORS
S/O LATE DILIP MANDAL
VILL- 1 NO. OUJARI
P.S.-KHETRI
DIST- KAMRUP (M)
ASSAM

2: DHANA KANTA MANDAL @ BABU RAM MANDAL
S/O HARI MOHAN MANDAL
VILL- 1 NO. OUJAR
P.S.-KHETRI
DIST- KAMRUP (M)
ASSAM

3: SANJIBAN MANDAL
S/O SHYAMAL MANDAL
VILL- 1 NO. OUJAR

P.S.-KHETRI
DIST- KAMRUP (M)
ASSAM

4: SHYAMLAL MANDAL
S/O SITANATH MANDAL
VILL- 1 NO. OUJAR
P.S.-KHETRI
DIST- KAMRUP (M)
ASSAM

5: GUNAMONI MANDAL
W/O SHYAMLAL MANDAL
VILL- 1 NO. OUJAR
P.S.-KHETRI
DIST- KAMRUP (M)
ASSAM
VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR. A M AHMED
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

Date : 20.08.2024

These two matters are taken up together, as they have arisen out of the same FIR.

Heard Mr. A. M. Ahmed, learned counsel for the petitioners. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State of Assam.

2. One application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying for granting bail to the petitioner Motilal Mondal, who was arrested in connection with Khetri P.S. Case No.111/2024.

3. The other application has been filed under Section 482 of the Bharatiya Nagarik

Suraksha Sanhita (BNSS), 2023 praying for grant of pre-arrest bail to the petitioners in respect of Khetri P.S. Case No.111/2024.

4. The deceased Dilip Mondal was a habitual drunker. On 14.07.2024 he along with his wife went to his father-in-law's house. He had a quarrel there. During the quarrel, Motilal Mondal hit the deceased on his head, as a result of which he died.

5. Today I have considered the Postmortem report also.

6. Considering the contents of the Case Diary, this Court is of the opinion that there are incriminating materials against the petitioner (in Bail Appln No.2219/2024) Motilal Mondal, therefore his bail application is rejected.

7. However, the Case Diary does not have sufficient incriminating materials against the petitioners, namely, (1). Pranati Mandal, (2). Sri. Dhana Kanta Mandal @ Babu Ram Mandal, (3). Sanjiban Mandal, (4). Shyamlal Mandal and (5). Gunamoni Mandal. They do not deserve to be detained in custody.

8. Their pre-arrest bail application is allowed.

9. It is hereby directed that in the event of arrest in connection with Khetri P.S. Case No.111/2024 the petitioners (in AB/2133/2024), namely, (1). Pranati Mandal, (2). Sri. Dhana Kanta Mandal @ Babu Ram Mandal, (3). Sanjiban Mandal, (4). Shyamlal Mandal and (5). Gunamoni Mandal shall be released on bail of Rs.20,000/- each with a surety of like amount to the satisfaction of the arresting Authority.

10. The petitioners shall co-operate with the Police Investigating Officer as and when required.

11. Both the bail applications are disposed of accordingly.

12. Case Diary shall be returned.

JUDGE

Comparing Assistant