

GAHC010166712024



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

Case No. : Bail Appln./2460/2024

ARBIND RAY
S/O LATE RAMPUKAR RAY, R/O KUMARPARA, F.A ROAD, DR. B.C. DAS
BYE-LANE, P.S.-BHARALUMUKH, KAMRUP (M), ASSAM

VERSUS

STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S SINGH, B. D. KAKATI, S. J. SAHARIAH, MR. D SARMAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

11.09.2024.

Heard Mr. D Sharma, learned counsel for the accused. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under Section 483 of the Bharatiya Nagarik Suraksha Sanghita (BNSS) 2023, is preferred by accused **Sri Arbind Ray**, who has been languishing in jail since 16.10.2023, in connection with **Sessions Case No. 51/2024**, pending before the learned Additional Sessions Judge No. 2, Kamrup (M) at Guwahati, arising out of **Basishtha P.S. Case No. 621/2023**, registered

under Sections 120-B/302 of the IPC, read with Sections 25(1)(a)/27(1)(a) of the Arms Act, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Ajay Nath of Basistha Latakata on 13.10.2023.

4. The gist of allegations, in the said FIR dated 12.10.2023, is that at around 8-10 pm while Anjan Nath, the brother of the informant, was sitting on his motor cycle, bearing Registration No. AS-01-BM-6614, near Ganesh Mandir of Khanapara, two motor cycle born miscreants shot him down. Thereafter, he was admitted at Metro Hospital, but the Doctors declared him dead. The informant suspects that his sister-in-law Gitashree Sinha and her mother and erstwhile husband and others had committed murder of his brother in a planned manner.

5. Mr. Sharma, learned counsel for the accused, submits that the accused was arrested on 16.10.2023, and since then he has been languishing in jail hazoot for more than 330 days. Mr. Sharma further submits that the investigation of the case has already been completed and charge sheet has been submitted before the learned trial court and the learned trial court had framed charge against the accused on 03.05.2024. But, till date not a single witness is examined. Mr. Sharma further submitted that as many as 60 witnesses have been cited in the charge sheet and examination of 60 witnesses could not be completed within shortest possible time. Mr. Sharma further submits that the accused will face trial and that he will appear before the learned trial court regularly and therefore, it is contended to allow the petition.

6. On the other hand, Mr. Parasarr, the learned Addl. P.P. submits that charges, so framed against the accused, are very serious and it has to be given a fair opportunity to prove its charges. Mr. Parasar further submits that if without

examination of the principal witnesses bail is granted to the accused, then there is possibility of influencing the witnesses and therefore, it is contended to dismiss the petition.

7. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record. Also, I have gone through the scanned copy of the record received from the learned trial court.

8. It is not in dispute that the accused was arrested on 16.10.2023, and since then he has been languishing in jail hazoot for about 330 days. Further, it appears from the scanned copy of the record of the learned trial court that the learned trial court had framed charge against the accused under Sections 120-B/302/201 IPC, read with Section 25(1-A)/27 of the Arms Act on 03.05.2024. Thereafter, the case was fixed for evidence and till date dates the prosecution side had not been able to examine a single witness.

9. There is no dispute that the charges framed against the accused are very serious and vital witnesses are yet to be examined. Given the nature and gravity of the charge and punishment prescribed for the same and balancing the interest of the accused with that of the societal interest, this court is of the considered opinion that no case for granting bail to the accused is made out. And therefore, the petition stands **dismissed**. However, the learned trial court is requested to expedite the trial and conclude the same as early as practicable.

10. In terms of above, the bail application stands disposed of.

JUDGE

Comparing Assistant