

GAHC010174432024



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

Case No. : AB/2274/2024

DHARMENDRA SARMA AND ANR
C/O- JOY CHANDRA SARMA,
R/O- BAGALA MANDIR ROAD, KAMAKHYA,
P.O- KAMAKHYA,
P.S- JALUKBARI,
DIST- KAMRUP (M), ASSAM, PIN-781010

2: BITUPAN SARMA
C/O- NAKUL SARMA

R/O- KAMAKHYA TOWN WARD NO 7

P.O- KAMAKHYA

P.S- JALUKBARI
DIST- KAMRUP (M)
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : PHURINGDI NAIDING,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

02.09.2024

1. Heard Mr. D. Medhi, learned counsel for the petitioners namely, (i) Dharmendra Sharma, and (ii) Bitupan Sharma.
2. The petitioners have filed this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as they are apprehending arrest in connection with Jalukbari P.S. Case No. 393/2024 under Sections 61(2)/189(2)/296/115(2)/132/127(3)/324(3)(5)/3(5) of the BNS.
3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.
4. I have considered the submissions at the Bar.
5. The FIR unfolds that on 15.08.2024 at around 9 p.m., a quarrel broke out between the two groups, the complainants, Jitul Bhargab Sharma and Sunny Kalita lodged two complaints with the police and a GD entry was registered as 21 dated 15.08.2024. The above named complainants were provided medical treatment and it was informed that investigation would commence on the basis of the complaint. After a while, the above named complainants entered the police station with a group of inebriated miscreants and threatened the O/C, SI, Mazibul Islam and other police personnel present. The above named complainants demanded the police personnel to arrest the accused. Despite the assertion of the police personnel that they would take action, a chaotic situation was created by the above named complainants and their companions. Some police personnel came out of the police station to bring the situation under control and a woman named Tulu Devi also provoked the miscreants who dragged the informant, a police personnel out of the police station and harassed

him and recorded video. Some persons were injured in the process. It is submitted on behalf of the petitioners that they were on the contrary trying to control the unruly group who were indulging in intake of alcohol.

6. I have considered the submission that investigation has progressed to a considerable extent. I have scrutinized the Case Diary. It appears that custodial interrogation may not be required for the progress of investigation.

7. I have considered the submission that the petitioners are willing to co-operate with the remaining part of the investigation and to abide by any stringent bail conditions if imposed upon them.

8. Considering all aspects, petition is allowed. In the event of their arrest, the petitioners shall be enlarged on bail on furnishing a bail bond of Rs.30,000/- each (Rupees Thirty Thousand) each with a suitable surety of like amount to the satisfaction of the arresting authority, under the conditions that:

(i) The petitioners shall appear before the Investigating Officer and co-operate with the remaining part of investigation,

(ii) The petitioners shall refrain from such activities with which they are alleged and maintain the peace, and

(iii) The petitioners shall not leave the jurisdiction of the Court without prior permission.

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

10. Send back the Case diary.

11. In terms of the above observation, bail application stands disposed of.

JUDGE

Comparing Assistant