

GAHC010182982024



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

Case No. : AB/2370/2024

VICTOR DAS
S/O LATE KUMUD DAS, R/O DADARA, NEAR DURGA MANDIR, P.S.
HAJO, PIN- 781104, DISTRICT KAMRUP, ASSAM,
PH. NO. 9577726468

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR B M DEKA, MR P SONOWAL, MR D MEDHI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 08-10-2024

Heard Mr. B. M. Deka, learned counsel for the petitioner. Also heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam, appearing for the State respondents.

This is an application under Section 482 of the Bharatiya Nagarik Suraksha

Sanhita (BNSS), 2023 seeking pre-arrest bail to the petitioner, i.e. Victor Das, who is apprehending arrest in connection with Hajo Police Station Case No. 309/2024, registered under Section 296/351(2) of the BNS, read with Section 67 of the IT Act.

The case of the prosecution, in brief, is that on 22.08.2024 an FIR was lodged by the informant alleging that on 21.08.2024, at about 9:30 PM the accused-petitioner had hurled slang language to the Hon'ble Chief Minister of Assam, his Personal Assistant Hemanta Choudhury and also the BJP Kishan Morcha's General Secretary Ranjit Bhattacharjee and the Water Resource Minister Pijush Hazarika, through Facebook and also threatened to physically attack them.

Accordingly, the above-noted case was registered against the petitioner.

Mr. B. M. Deka, learned counsel for the petitioner submits that the petitioner is totally innocent of the offence alleged against him. He further submits that the petitioner is willing and ready to cooperate with the investigation.

Per contra, Mr. Kaushik, learned Additional Public Prosecutor submits that the Case Diary reveals that the accused-petitioner is habitually involved in similar kind of offences.

I have considered the submissions made at the bar and I have perused the materials available on records including the Case Diary produced before the Court.

It appears that the investigation has substantially progressed. It further appears that the statements of the witnesses have been recorded by the Investigating Officer under Section 180 BNSS.

In view of the submission of the learned counsel for the petitioner that the petitioner is willing and ready to cooperate with the investigation and considering the facts and circumstances of the case *vis-à-vis* Article 21 of the Constitution of India, this Court is of the considered view that custodial interrogation of the petitioner may

not be necessary for the ongoing investigation.

Accordingly, it is provided that in the event of arrest, the petitioner named above shall be released on pre-arrest bail in connection with the above noted case, on furnishing bail bond of Rs. 15,000/- with one surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:-

i) That the petitioner shall appear before the Investigating Officer within 15 days, failing which on and from the 16th day, the interim-pre arrest bail order shall have no force;

ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any Police Officer.

iii) That the petitioner shall refrain from committing any similar offences in future of which he is accused or suspected of commission, failing which, this pre-arrest bail order shall stand cancelled.

With the above observations and directions, the Anticipatory Bail Application stands allowed.

This disposes of the Anticipatory Bail Application.

Send back the Case Diary.

JUDGE

Comparing Assistant