

GAHC010193852024



2024:GAU-AS:11570

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

Case No. : AB/2530/2024

HITESH DAS
S/O LATE UMA DAS
PERMANENT RESIDENT OF VILL- DARANGIPARA, P.O. DAGAPARA
P.S. MUKALMUA
DIST. NALBARI, ASSAM
PIN-781126

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. K M HALOI, MRS. BHANITA CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 25.11.2024

Heard Mr. K. M. Haloi, learned counsel for the petitioner, Hitesh Das, who have filed this application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as he is apprehending arrest in connection with Mukalmua Police Station Case No. 260/2024 under Section 329(3)/118(2) of Bharatiya Nyaya Sanhita, 2023.

2. Heard Mr. D. Das, learned Additional Public Prosecutor, Assam for the respondent State.
3. The victim has sustained deep cut injuries caused by the sharp weapons, which are grievous in nature on two sides of his head.
4. The learned Additional Public Prosecutor has raised serious objections stating that there are incriminating materials in the Case Diary against the petitioner.
5. I have also scrutinized the Case Diary. It is seen that there are incriminating materials in the Case Dairy against the petitioner. The allegation against the petitioner is that the petitioner attacked the informant with a dao and fled away. Initially the informant took treatment at Mukalmua Hospital and thereafter due to his serious injury he was referred to G.M.C.H. The submission on behalf of the petitioner that there was a delay in lodging of the FIR can be ignored at this juncture as the injuries sustained by the informant were grievous in nature caused by sharp weapon and the injured person underwent treatments at two different medical units.
6. I have considered the facts and circumstances of this case. It appears that investigation may be adversely affected if the petitioner is admitted to bail at this juncture. I am not inclined to grant bail to the petitioner.
7. Accordingly, in term of the above, this Anticipatory Bail petition stands rejected at this stage.
8. Send back the Case Diary.

JUDGE

Comparing Assistant