

GAHC010201752024



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

Case No. : Bail Appln./2959/2024

RAJENDRA DAS
S/O MANINDRA DAS, VILL- PIJUPARA, P.S.-NAGARBERA, DIST- KAMRUP
(R), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A PARAMANIK, P. KALITA

Advocate for the Respondent : PP, ASSAM,

Linked Case : AB/2604/2024

RABINDRA DAS
S/O LATE NARAYAN DAS
VILL- DUDHNOI
SHANTI NAGAR

P.S. DUDHNOI

DIST. GOALPARA
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP
ASSAM

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

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

22.10.2024

Heard Mr. A Paramanik, learned counsel for the petitioners as well as Mr. R J Baruah, learned Additional Public Prosecutor, Assam.

By filing Bail Application 2959/2024 under Section 483 of the BNSS, 2023, the petitioner, namely, Sri Rajendra Das, has prayed for releasing on bail, who was arrested in connection with Dudhnoi P.S. Case No. 77/2024.

On the other hand, by filing Anticipatory Bail Application 2604/2024 under section 482 of the BNSS, 2023, the petitioner, namely, Sri Rabindra Das, has prayed for pre-arrest bail in connection with Dudhnoi P.S. Case No. 77/2024.

The informant has alleged in the FIR that on 17.09.2024, both Rabindra Das and Rajendra Das went into her house and stabbed a woman, named, Sri Rupali Das.

The husband of Sri Rupali Das was also injured in the incident.

Mr. Paramanik submits that Sri Rajendra Das is the son-in-law of Sri Rupali Das. He, along with his brother-in-law had gone to the house of the informant to bring back his wife and there they had a quarrel.

Mr. Paramanik further submits that Sri Rajendra Das was beaten up in the incident.

Mr. R J Baruah, learned Additional Public Prosecutor has submitted that the Injury Report of Sri Rupali Das is yet to be received.

Mr. Baruah further submits that there are some materials against Sri Rabindra Das in the Case Diary and, therefore, he has objection in granting pre-arrest bail to the said petitioner.

I have considered the submission made by the learned counsel of both sides.

The petitioner Sri Rajendra Das has already spent 35 days in judicial custody. Therefore, this court is of the opinion that Sri Rajendra Das does not deserve to be detained in custody for further period of time. Hence, the bail application made on behalf of Sri Rajendra Das is allowed.

Accordingly, it is hereby directed that the petitioner Sri Rajendra Das, who was arrested in connection with Dudhnoi P.S. Case No. 77/2024 shall be released on bail of Rs.25,000/- with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Goalpara.

Since there are incriminating materials against the other petitioner Sri Rabindra Das in the Case Diary, his prayer for pre-arrest bail is rejected at this stage.

The bail application is disposed of.

Case diary shall be returned.

JUDGE

Comparing Assistant