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

Case No. : Bail Appln./3200/2024

BALMIT MARAK @ AMITY RIPRANG MARAK
S/O PHINENG SANGMA
VILL- BHALUKDUBI
P.O. BHALUKDUBI
P.S. AND DIST. GOALPARA, ASSAM
PIN-783101

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. J ABBAS, MS. H G DAS, I HOQUE, MS. B LASKAR

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

02.12.2024

Heard Mr. J. Abbas, the learned counsel appearing for the petitioner as well as
Mr. K. Baishya, the learned Addl. Public Prosecutor, Assam.

- 2.** This is an application under Section 483 of the BNSS, 2023 praying for granting bail to the petitioner namely, Balmit Marak @ Amity Riprang Marak who has been in custody since 29.08.2024 in respect of G.R. Case No.1526/2016 under Sections 364A/364/302/201 of the Indian Penal Code read with Section 34 of the said Code.
- 3.** In the said case, the *charge sheet* was filed against the 8 persons including the present petitioner showing them as absconders. On 29.08.2024, the present petitioner surrendered before the trial court and he is in custody for the last 95 days. Some other accused were granted bail and some other accused are yet to appear.
- 4.** The case is still pending in the committal court.
- 5.** At this stage, it is not sure when the case will be committed to the court of Sessions.
- 6.** It is an admitted fact that the allegations brought against the present petitioner and the other accused are serious in nature.
- 7.** The learned counsel for the petitioner submits that seriousness of the offences cannot be compared with the fact as the offences against the present petitioner is yet to be proved beyond all reasonable doubt.
- 8.** I have considered the submissions made by the learned counsel of both sides.
- 9.** Considering the long period of detention and considering the fact that it is not sure as to when the case will be committed to the court of Sessions, this Court is of the opinion that the present petitioner no longer deserves to be detained in custody. His bail application is allowed.
- 10.** The petitioner namely, Balmit Marak @ Amity Riprang Marak who has been in custody in connection with G.R. Case No.1526/2016 under Sections 364A/364/302/201 of the Indian Penal Code read with Section 34 of the said Code, shall be allowed to go on bail of ₹30,000/- with a surety of like amount to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Goalpara, Assam.

With the above direction, the bail application is disposed of.

JUDGE

Comparing Assistant