

GAHC010218492024



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

Case No. : AB/2784/2024

BANAJIT KAKATI
S/O NAGEN KAKATI
R/O SUTARGAON, JAIKUCHI
P.S. BAIHATA CHARIALI
DIST. KAMRUP, PIN NO.781381

VERSUS

THE STATE OF ASSAM
THROUGH THE PP, ASSAM

Advocate for the Petitioner : MR. A AHMED, U U KHAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 17.12.2024

Heard Mr. A. Ahmed, learned counsel appearing for the petitioner and Mr. RR Kaushik, learned Additional Public Prosecutor for the state of Assam.

2. This is an application under Section 482 of the BNSS, praying for grant of pre-arrest bail in respect of Rangia P.S. Case No. 182/2024.

3. ON 26.06.2024 at about 5.30 PM, Mustakin Ali called the deceased Sahidul Ali and both of them went to Changsari. When his wife called him over phone, Sahidul Ali told her that he was at Changsari.

4. Thereafter, Sahidul Ali called his brother stating that his money was snatched away by somebody and asked him to transfer some money. Accordingly, the brother did so. Thereafter, the telephone of Sahidul was found switched off. That night Sahidul Ali did not return home. Next day at about 6.30 PM, the dead body of Sahidul was found in a place between Hasang and Kalmoni.

5. The informant has stated that the deceased Sahidul Ali, Mustakin and another person named Mithun had helped SSB to apprehend the accused Raja. After being released from jail, Raja had often threatened Sahidul of dire consequences. Raja had also tried to kidnap Sahidul but he escaped with the help of his cousin. The informant suspected that the said Raja, Mustakin and another person called Bipul might have killed her husband.

6. Till now, the only material available in the case diary is that the present petitioner had telephonic conversation with the deceased on the day of occurrence.

7. Mr. Ahmed submits that on the day of occurrence, Sahidul called him to come to Bidha and when the present petitioner went to Bidha, he could not find out the deceased.

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

9. The only material collected by police is that on 26.06.2024, the present petitioner had telephonic conversation with the deceased Sahidul Ali. Apart from that, the CD is devoid of any incriminating material against the present petitioner.

10. Therefore, the petitioner does not deserve to be detained in custody. His bail application is allowed.

11. It is hereby directed that in the event of arrest of the petitioner in connection with Rangia P.S. Case No. 182/2024, Banajit Kakati, shall be released on bail of Rs.25,000/- with a surety of like amount to the satisfaction of arresting authority.

12. The petitioner shall appear before the Investigating Officer within next 10 (ten) days from today.

13. The bail application stands disposed of accordingly.

The CD shall be returned.

JUDGE

Comparing Assistant