

GAHC010219392024



2024:GAU-AS:12835

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

Case No. : Bail Appln./3211/2024

ASHIM ADHIKARI @ ASHIM ADHIKARY,
S/O- SATISH CH. ADHIKARI
R/O - PANDU ADABARI COLONY, P.S.- JALUKBARI, DIST KAMRUP (M),
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR KUTUB ALI, MR M RAHMAN, MD S ALI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 17.12.2024

Heard Mr. S. Ali, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State respondent.

This is an application 483 of BNSS, 2023 praying for grant of bail to the accused/petitioner, who has been arrested in connection with Panbazar P.S. Case No. 202/2024, under Sections 55/61(2)/147/148/149/152/196/197 BNS, 2023 *read with* Section 4/5 of E.S. Act, 1908 *read with* Section 10/13 of UA(P) Act, 1967.

From the record, it is seen that on earlier occasion the Case Diary was received, but the case was fixed today to obtain information from the I.O. as to whether there is any extension period for investigation of the present case.

However, it is submitted by Mr. Baruah, learned Additional Public Prosecutor, that as per his instruction, the petition for extension of period of investigation was not considered by the learned Session Judge.

In that context, Mr. Ali, learned counsel for the petitioner, submitted that the accused/petitioner is behind the bar for last 93 days. Accordingly, it is submitted that the present accused/petitioner is entitled for default bail.

Considering the submissions made by the learned counsels for both sides and also considering the fact that the I.O. failed to file the Charge-Sheet within the stipulated period of 90 days, without going through the merit of the case, I find it a fit case to extend the privilege of bail to the accused/petitioner.

Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- (Rupees fifty thousand) only with 2 (two) sureties of like amount, provided that one surety has to be a government servant, to the satisfaction of the learned

Session Judge, Kamrup (M), Guwahati, the accused/petitioner, namely, Ashim Adhikari @ Ashim Adhikary, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer as and when called for;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- (iii) that the petitioner shall not leave the jurisdiction of the learned Session Judge, Kamrup (M), Guwahati, without prior permission.

In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant