

GAHC010224112024



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

Case No. : AB/2828/2024

SRI KAPIL CHOUDHURY
S/O LATE BIJEN CHOUDHURY
R/O KATAHBARI, NEAR MANASHA MANDIR,
NEBEN CH. PATH,
GORCHUK,
GUWAHATI WEST, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR B SINHA, MR R DAS, MRS H CHAKRABORTY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 22.11. 2024

Heard the learned counsel Mr. B. Sinha for the petitioner, Sri Kapil Choudhury who has filed this bail application under 482 BNSS, 2023 with a prayer for pre- arrest bail as he is apprehending arrest in connection with Gorchuck P.S. Case No. 319/2024 under Sections 329/ 117/ 351(4)/ 3(5) of BNS, 2023.

Heard Mr. R.R. Kaushik, learned Addl. Public Prosecutor, Assam, appearing for the State respondent.

The brief facts of the case are that a tenant by the name of Nandini Paul stays in the house of the petitioner. On 06.10.2024, while Nandini Paul was talking to somebody over phone in front of the petitioner, a person called Ganesh Talukdar misbehaved with Nandini Paul. She had a quarreled at that time and some people gathered and all of them had quarreled together and somebody even physically assaulted the wife of the present petitioner and his mother. Therefore, Purabi Choudhury, the wife of the present petitioner had lodged an FIR with the police.

After the incident, the wife of the aforementioned Ganesh Talukdar lodged an FIR with the police alleging that some persons, namely, the present petitioner, Pinky Choudhury and Subala Choudhury runs a PG hostel in their house and in that hostel, some immoral activities have taken place. According to the wife of Ganesh Talukdar, he was beaten up by the owners of the PG hostel alongwith some other persons.

The case diary is received and perused.

I have considered the submissions of the learned counsel for the parties at the bar with circumspection.

I have scrutinized the case diary. The merits of the case are not brought to the fore as the case is still at the stage of investigation.

The injured persons sustained simple injuries.

The petitioner is already on interim bail granted by this Court. The petitioner appeared before the I.O. and has co-operated with the investigation. The petitioner has not violated any conditions of the interim bail granted to him.

Considering the entire aspect of the matter and in view of my foregoing discussions, the interim order dated 28.10.2024 is hereby made absolute.

The interim bail is however subject to the following conditions that:-

- (i) the petitioner shall appear before the I.O. within 1 (one) week from today;
- (ii) the petitioner shall refrain from such activities with which he is alleged;
- (iii) the petitioner shall appear before the I.O. on every fortnight till completion of investigation, and
- (iv) the petitioner shall not hamper the investigation or tamper with the evidence of the case.

On breach of any of the bail conditions, pre-arrest bail order shall stand automatically cancelled.

Bail application is disposed of.

Send back the case diary.

JUDGE

Comparing Assistant