

GAHC010224282024



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

Case No. : AB/2826/2024

BHABESH MEDOK AND 4 ORS
S/O LATE PRADIP MEDOK
R/O UJANI BIJOYPUR
P.S. JONAI
DIST. DHEMAJI, ASSAM

2: JISU PEGU
S/O SRI JUTIRAM PEGU
R/O UJANI BIJOYPUR
P.S. JONAI
DIST. DHEMAJI
ASSAM

3: RAJEN DOLEY
S/O BIREN DOLEY
R/O RATHE

P.S. JONAI
DIST. DHEMAJI
ASSAM

4: BIJOY LALUNG
S/O LATE TANGKESWAR LALUNG

R/O JAYMAGURI
P.S. JONAI
DIST. DHEMAJI
ASSAM

5: SUDEN NARZARY @ MADEN NARZARY
S/O SRI NARESWAR NARZARRY
R/O HILIKAGURI
P.S. JONAI
DIST. DHEMAJI

ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. B K GOGOI, R L CHUTIA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

11.11.2024

- 1.** Heard Mr. B.K. Gogoi, learned counsel for the petitioners. Also heard Mr. R.R. Kaushik, learned Additional Public Prosecutor appearing for the State of Assam.
- 2.** This application under Section 482 of BNSS, 2023 has been filed by the petitioners, namely, (1) Sri Bhabesh Medok, (2) Sri Jisu Pegu, (3) Sri Rajen Doley, (4) Sri Bijoy Lalung, and (5) Sri Suden Narzary@Maden Narzary, who are apprehending their arrest in connection with Jonai P.S. Case No. 92/2024 under Section 329(4)/125/74/3(5) of the BNS.
- 3.** The gist of accusation in this case is that on 07.09.2024, one Gangadhar Doley, lodged an FIR before the Officer-In-Charge of Jonai Police Station, *inter alia*, alleging that the petitioners, who are named in the FIR as accused persons, trespassed into the house of the informant, armed with sharp weapon and started pelting stone and threatened the

informant of killing his elder son.

4. It is also alleged that the petitioners tried to outrage the modesty of daughter-in-law of the informant and also tried to kill them and rape her.

5. The learned counsel for the petitioners has submitted that on the day of incident, i.e. on 06.09.2024, there was some altercation between the petitioners and the first informant regarding assault of a person in a bike rally which was conducted on that day. However, he submits that the allegation of rape and threatening made in the FIR is exaggerated and false.

6. The learned Additional Public Prosecutor has produced the case diary of the Jonai P.S. Case No. 92/2024 and has submitted that though the family members of the informant have implicated the present petitioner No. 1. However, there is no material regarding attempt of rape in the case diary. He also submits that the statement of independent witness recorded in the case diary during the investigation also does not indicate the allegation regarding molestation.

7. Considering the submissions made by the learned counsel for the petitioners as well as learned Additional Public Prosecutor, this Court is of considered opinion that if the petitioners co-operate with the Investigating Officer, their custodial detention may not be necessary for fair completion of investigation of Jonai P.S. Case No. 92/2024.

8. Hence, this anticipatory bail application is disposed of with a direction to all the above-named petitioners to appear before the

Investigating Officer of Jonai P.S. Case No. 92/2024, within a period of 10(ten) days from the date of this order and co-operate in the investigation. If they do so within the stipulated period of time, in the event of their arrest in connection with Jonai P.S. Case No. 92/2024, the above-named petitioners shall be allowed to go on interim bail of Rs. 30,000/- each with a suitable surety of like amount to the satisfaction of the arresting authority with following conditions that:-

- (i)** the petitioners shall co-operate in the investigation; and
- (ii)** the petitioners shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court.

9. With the above observations, this anticipatory bail application is hereby disposed of.

JUDGE

Comparing Assistant