

GAHC010226632024



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

Case No. : Bail Appln./3346/2024

BHABESH KALITA @ KANAI
S/O MAHENDRA KALITA
VILL- MILONPUR,
KOCHOR CHUBURI
P.S. TEZPUR
DIST. SONITPUR, ASSAM
PIN-784150

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR D K MEDHI, P BORUAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 13.11.2024

Heard Mr. D.K. Medhi, learned counsel for the petitioner. Also heard Mr. M.P. Goswami, learned Additional Public Prosecutor for the State.

2. By this application filed under section 483 of the Bharatiya Nagarik Suraskha Sanhita, 2023, the accused petitioner namely, **Bhabesh Kalita @ Kanai**, has prayed for bail in connection with **Tezpur P.S. Case No. 344/2024**, under Section 120(B)/386/34 IPC r/w Section 10/13 UA(P) Act.

3. It has been submitted by the learned counsel for the petitioner that the petitioner has been detained in custody for more than 150 days since his arrest on 12.06.2024. There is no prayer by I/O for further extension of time as the case registered under UA(P) Act. Considering the length of detention as well as the background of the case, the petitioner may be enlarged on bail.

4. Mr. Goswami, learned Additional Public Prosecutor for the State has produced the case diary and submits that there is no reflection that the investigating officer has prayed for extension of time as provided under Section UA(P) Act. It is also submitted that the petitioner is a habitual offender as such, he has objection in granting bail to the petitioner.

5. I have considered the submissions made by the parties. I have also perused case diary.

6. Considering the background of the case as well as length of detention of petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner, named above, shall be released on bail in connection with **Tezpur P.S. Case No. 344/2024**, under Section 120(B)/386/34 IPC r/w Section 10/13 UA(P) Act, on furnishing bail bond of **Rs.50,000/-** with **two suitable sureties** of the like amount to the

satisfaction of learned Sessions Judge, Sonitpur, Tezpur, Assam.

8. The direction for bail is further subject to the conditions that the petitioner:

(a) shall not leave the territorial jurisdiction of learned Sessions Judge, Sonitpur, Tezpur, Assam without prior written permission from him/her;

(b) 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;

(c) shall not hamper with the investigation, or tamper with the evidence of the case;

(d) shall appear before the Investigating Police Officer once in a week for six weeks after his release on bail as and when called upon by the Investigating Police Officer till the investigation of the case is completed.

9. Violation or breach of any condition(s) shall render cancellation of bail.

10. In the view of the above, the bail application stands disposed of.

11. Send back the case diary.

JUDGE

Comparing Assistant