

GAHC010234282024



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

Case No. : AB/2931/2024

MRINAL THAKURIA
S/O LATE CHARU THAKURIA
R/O VILL- GARAL (KUHABORI)
P.O. AND P.S. AZARA
DIST. KAMRUP (M), ASSAM-781017
MOBILE NO. 9678772079

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. B D KONWAR SR. ADV., H BAISHYA, MR J SINGH, MR. R KALITA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 13.11.2024

Heard Mr. B.D.Konwar, learned Senior Counsel assisted by Mr. R.Kalita, learned counsel for the petitioner. Also heard Mr. D.P.Goswami, learned Additional Public Prosecutor for the State respondent.

This is an application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying for pre-arrest bail by the petitioner, namely, **Mrinal Thakuria**, in connection with **Azara P.S. Case No. 223/2024**, under Section 126(2), 127(2), 121(2), 109, 3(5) of the BNS, 2023 r/w Section 14 of the Game and Betting Act (Assam), 1970.

The case diary is placed before the court.

The allegation in the FIR dated 01.11.2024 reveals that on 31.10.2024, the informant along with the staff received grievous injuries by some persons who used rods and other deadly weapons while the informant along with his staff went to obstruct illegal activities of gambling at Azara.

The learned Senior Counsel for the petitioner submits that the allegation as per the FIR is that the petitioner and some boys have obstructed the police personnel while they were involved in gambling activities but in fact, the petitioner was not present at the place of occurrence and as such, benefit of pre-arrest bail may be extended to the petitioner.

The learned Addl.P.P. has produced the case diary and submits that in the case diary, it is reflected from the statement of the witnesses that the present petitioner was not present at the time of the alleged incident and as such, pre-arrest bail may be granted to the petitioner.

I have perused the case diary and heard learned counsel for the parties.

In the backdrop of facts as emerged from the case diary, this Court finds it not expedient for custodial interrogation of the petitioner.

In view of above, the prayer for anticipatory bail is hereby allowed.

Accordingly, it is provided that in the event of arrest of the petitioner, named above, he shall be released on **pre-arrest bail**, in connection with the above noted case on furnishing bail bond of **Rs.30,000/- (Thirty Thousand)** with one surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:

- (i) That the petitioner shall appear before the Investigating Officer within 10 days from today, failing which, on the 11th day, the anticipatory bail order shall automatically expire;
- (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/her from disclosing such facts to the Court or to any police officer.

Return the case diary.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant