

GAHC010234322024



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

Case No. : AB/2930/2024

NIKHIL THAKURIA AND 7 ORS
S/O NRIPEN THAKURIA
R/O GARAL, KU HABARI
AZARA, GUWHATI, P.S. AZARA,
DIST. KAMRUP (M), ASSAM-781017
MOBILE NO. 7578916154

2: JYOTI PATHAK
S/O BINAY PATHAK
R/O GARAL
KU HABARI
AZARA
GUWHATI
P.S. AZARA
DIST. KAMRUP (M)
ASSAM-781017
MOBILE NO. 8399080547

3: KANDARPA BARUAH
S/O LT. BHUPEN BARUAH
R/O GARAL
KU HABARI
AZARA
GUWHATI
P.S. AZARA
DIST. KAMRUP (M)
ASSAM-781017
MOBILE NO. 8099765837

4: CHINTU DAS
S/O SRI LALIT DAS
R/O GARAL
KU HABARI
AZARA

GUWHATI
P.S. AZARA

DIST. KAMRUP (M)
ASSAM-781017
MOBILE NO. 8876099212

5: DILIP DAS
S/O RAMCHARAN DAS
R/O GARAL
KUHABARI
AZARA
GUWHATI
P.S. AZARA
DIST. KAMRUP (M)
ASSAM-781017
MOBILE NO. 7637836518

6: GAUTAM THAKURIA
S/O LT. KANAK THAKURIA
R/O GARAL
KUHABARI
AZARA
GUWHATI
P.S. AZARA
DIST. KAMRUP (M)
ASSAM-781017
MOBILE NO. 7578916154

7: BROJEN BARUAH
S/O SRI BIPIN BARUAH
R/O GARAL
KUHABARI
AZARA
GUWHATI
P.S. AZARA
DIST. KAMRUP (M)
ASSAM-781017
MOBILE NO. 8399885798

8: HITESH BARUAH
S/O SRI BIPIN BARUAH
R/O GARAL
KUHABARI
AZARA
GUWHATI
P.S. AZARA

DIST. KAMRUP (M)
ASSAM-781017
MOBILE NO. 839988579

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. B D KONWAR SR. ADV., MR. R KALITA, H BAISHYA, MS. B SOREN, MR P DOLEY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

19.11.2024

Heard Mr. B. D. Konwar, learned Sr. counsel assisted by Mr. R. Kalita, learned counsel appearing for the petitioners as well as Mr. D. P. Goswami, learned Addl. P.P., Assam appearing for the State respondent.

This is an application filed under **Section 482 of BNSS**, praying for pre-arrest bail by the petitioners, namely, **(1) Nikhil Thakuria (2) Jyoti Pathak (3) Kandarpa Baruah (4) Chintu Das (5) Dilip Das (6) Gautam Thakuria (7) Brojen Baruah and (8) Hitesh Baruah**, in connection with **Azara PS Case No. 223/2024** registered under **Sections 126(2)/127(2)/121(2)/109/3(5) of BNS, 2023, read with Section 14 of the Game and Betting Act (Assam), 1970.**

Case diary, as called for, is produced before this 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 petitioners and some other boys have obstructed the police personnel while they were involved in gambling activities but in fact, the petitioner Nos. 3 and 8 were only present at the place of occurrence and others were not present and as such, benefit of pre-arrest bail may be extended to the petitioners.

Mr. Goswami, learned Additional Public Prosecutor has produced the case diary and submits that petitioner No.3, Kandarpa Baruah and petitioner No.8, Hitesh Baruah were present at the time of incident and there was hot exchange of words between the parties and they used hands while obstructing the police personnel. It is further submitted that some of them sustained simple injury and some of them did not receive any injury as reflected from the injury report and as such, pre-arrest bail may be extended to the petitioners.

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

Accordingly, it is provided that in the event of their arrest, the petitioners, named above, shall be released on pre-arrest bail, in connection with the above noted case on furnishing bail bond of **Rs. 30,000/- each** with **a suitable surety** of the like amount each, to the satisfaction of the arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioners:

(a) shall appear before the Investigating Police Officer within ten days from today and shall co-operate with the investigation;

(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 or to any police officer.

The anticipatory bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant