

GAHC010234512024



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

Case No. : AB/2984/2024

SANJIT SARKAR @ SANJIT KR SARKAR AND 5 ORS
S/O SUSEN SARKAR
R/O MADAIKHALI, P.O. GOURIPUR, PIN-783331, P.S. GOURIPUR, DIST.
DHUBRI, ASSAM

2: BISWANATH DAS
S/O LATE BORDAKANTA DAS
R/O MADAIKHALI
P.O. ASHARIKANDI
PIN-783331
P.S. GOURIPUR
DIST. DHUBRI
ASSAM

3: PREMJIT SARKAR @ PREM SARKAR @ PARNJIT SARKAR
S/O LATE TULSHI SARKAR

R/O MADAIKHALI
P.O. ASHARIKANDI
PIN-783331
P.S. GOURIPUR
DIST. DHUBRI
ASSAM

4: ARADHAN SARKAR @ HARADHAN SARKAR
S/O LATE KURAN CH. SARKAR
R/O MADAIKHALI
P.O. ASHARIKANDI
PIN-783331
P.S. GOURIPUR
DIST. DHUBRI
ASSAM

5: AKHIL HALDAR

S/O LATE BHUBENDRA NATH HALDAR

R/O MADAIKHALI
P.O. ASHARIKANDI
PIN-783331
P.S. GOURIPUR

DIST. DHUBRI
ASSAM

6: SUSHEN CH SARKAR @ SUSEN SARKAR
S/O SURENDRA NATH SARKAR
R/O MADAIKHALI
P.O. ASHARIKANDI
PIN-783331
P.S. GOURIPUR
DIST. DHUBRI
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : F K R AHMED, MRS. H THAKURIA, J UDDIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 21.11. 2024

1. Heard Mr. FKR Ahmed, learned counsel for the petitioners, (1) Sanjit Sarkar @ Sanjit Kumar Sarkar, (2) Biswanath Das, (3) Premjit Sarkar @ Prem Sarkar @ Parnjit Sarkar, (4) Aradhan Sarkar @ Haradhan Sarkar, (5) Akhil Haldar and (6) Sushen Ch. Sarkar @ Susen Sarkar, who have filed this anticipatory bail

application under Section 482 BNSS, 2023, with prayer for granting them pre-arrest bail in connection with Gouripur P. S. Case No. 319/2024 (G.R. Case No. 1187/2024) under Sections 61(2)/ 191(2)/ 191(3)/ 117(2)/ 118(2)/ 74/ 351(2)/ 109 BNS, 2023.

2. Also heard Mr. R.R. Kaushik , learned Addl. Public Prosecutor for the State respondent, who has submitted that there was an altercation between the parties but the injuries sustained by the injured are simple in nature.

3. The case diary as called for is received and perused. Indeed there are materials against the petitioners but the injuries sustained by the injured are simple in nature. Investigation has substantially progressed. Custodial interrogation may not be required.

4. The petitioners are local residents and they are not a flight risks.

5. In view of the foregoing discussions, petition is allowed. Accordingly, it is directed that in the event of arrest of the petitioners named above, they shall be enlarged on pre-arrest bail on furnishing bond of Rs. 30,000/- each with a suitable surety of like amount to the satisfaction of the arresting authority in connection with the aforesaid case under the following conditions that:-

- (i) the petitioners shall appear before the I.O. within 1 (one) week from today;
- (ii) the petitioners shall refrain from such activities with which are alleged;
- (iii) the petitioners shall appear before the I.O. on every fortnight till completion of investigation, and

- (iv) the petitioners 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.

- 6. The bail application is disposed of.
- 7. Send back the case diary.

JUDGE

Comparing Assistant