

GAHC010234322024



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

Linked Case : Bail Appln./3448/2024

GHANASHYAM BARUAH
S/O LATE KRISHNA RAM BARUAH
R/O GARAL KUHABORI
P.S. AND P.O. AZARA
DIST. KAMRUP (M)
ASSAM-781017
MOBILE NO. 60001-07634

VERSUS

THE STATE OF ASSAM
REP BY THE PP
ASSAM

Advocate for : MR. B D KONWAR SR. ADV.
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

19.11.2024

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

By filing this petition under Section 483 of the BNSS, 2023 the accused-petitioner, namely, **Ghanashyam Baruah**, has prayed for grant of bail in connection with **Azara PS Case No. 223/2024 (GR No. 6442/2024)** 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 petitioner and some boys have obstructed the police personnel while they were involved in gambling activities but in fact, the present petitioner was not present at the place of occurrence. It is further submitted by the learned senior counsel that the accused petitioner has been languishing in judicial custody for last 18 days since his arrest on 01.11.2024.

Mr. Goswami, learned Additional Public Prosecutor has produced the case diary and submits that petitioner was not present at the time of incident as per case diary. As such, length of detention may be considered.

In view of the submission of learned counsel for both the parties and considering the nature of allegation, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary in the interest of investigation of the case.

Accordingly, the petitioner, named above, shall be released on bail, on furnishing bail bond of **Rs.30,000/-** with **one suitable surety** of the like

amount, to the satisfaction of learned **Chief Judicial Magistrate, Kamrup (M)**.

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

- (a) shall not leave the territorial jurisdiction of learned Chief Judicial Magistrate, Kamrup (M) without prior written permission from him/her;
- (b) shall not hamper with the investigation, or tamper with the evidence of the case;
- (c) 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.

In terms of the above, this bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant