

GAHC010242112024



2024:GAU-AS:11878

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

Case No. : Bail Appln./3508/2024

HEMANTA DAS
S/O SRI RAJMOHAN DAS
R/O VILL- GALIA
P.S. PATACHARKUCHI
DIST. BAJALI, ASSAM
PIN-781352

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. N K KALITA,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 29-11-2024

Heard Mr. N.K. Kalita, learned counsel for the petitioner Sri Hemanta Das, who has filed this application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 11.11.2024 in

connection with Patacharkuchi Police Station Case No. 223/2024 (G.R. Case 338/204) under Sections 115(2)/109 of Bharatiya Nyaya Sanhita, 2023.

2. Heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.

3. The allegation against the petitioner is that the petitioner used to subject his wife to cruelty. On 05.11.2024, the cruelty reached extreme limit when the petitioner assaulted the victim and caused injuries on her mouth, nose and lips. On 08.11.2024, the petitioner also made an attempt to eliminate the victim.

4. Learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary.

5. I have also scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner. The petitioner has submitted that he will cooperate with the remaining part of investigation and will abide by any stringent bail conditions, if imposed upon him.

6. Considering all aspects, petition is allowed.

7. Petitioner is enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with a suitable surety of like amount to the satisfaction of the jurisdictional Court/Eleka Magistrate under the conditions that :

(i) *the petitioner shall refrain from such activities with which he is alleged,*

(ii) *the petitioner shall not exercise threats to the victim as well as the witnesses,*

(iii) the petitioner shall appear before the Investigating Officer on every fortnight till completion of investigation,

(iv) the petitioner shall not leave the jurisdiction of the Court without prior permission.

8. On breach of any of the bail conditions, the Court is at liberty to immediately cancel the bail granted to the petitioner.

9. In terms of the above observation, this Bail Application stands disposed of.

10. Send back the Case Diary.

JUDGE

Comparing Assistant