

GAHC010242462023



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

Case No. : AB/3624/2023

DEBAJIT DAS AND 2 ORS.
S/O. SRI PURAN DAS,
R/O. WORKSHOP, ABHAYAPURI,
WARD NO. 8, P.O/P.S. ABHAYAPURI, DIST. BONGAIGAON, ASSAM.

2: SMTI. RUNU MANDAL
W/O. SRI SIBU MANDAL

R/O. WORKSHOP
ABHAYAPURI

WARD NO. 8
P.O/P.S. ABHAYAPURI
DIST. BONGAIGAON
ASSAM.

3: SMTI. SUMI DAS
W/O. SRI. DEBAJIT DAS

R/O. WORKSHOP
ABHAYAPURI

WARD NO. 8
P.O/P.S. ABHAYAPURI
DIST. BONGAIGAON
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM

Advocate for the Petitioner : MR. B HALDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN
ORDER

13.05.2024

Heard Mr. B. Haldar, learned counsel for the applicants and also heard Mr. K.K. Das, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Abhayapuri P.S. Case No.447/2023, under Section 294/353/352/34 IPC, this application under Section 438 Cr.P.C. is preferred by three applicants, namely, Debajit Das, Runu Mandal and Sumi Das, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by Dr. Mirza Arif, on 01.10.2023. The essence of allegation made in the aforesaid FIR is that while the informant Dr. Mirza Arif was attending his duty from 2:00 p.m. to 9:00 p.m. in Abhayapuri CHC (FRU), then 6/7 attendants of a patient of Dog bite made violent behaviour and abused him and the hospital staff and also caused mischief of the benches, register books, chairs and tables of the hospital and also abused him.

4. Mr. Haldar, learned counsel for the applicants submits that this Court vide order dated 19.10.2023 was pleased to extend the privilege of interim pre-arrest bail to the applicants and pursuant to the said order, they have appeared before the I.O. and cooperating with the investigating agency and therefore, a contention is being made that the interim order dated 19.10.2023, may be made absolute, in the same terms and conditions.

5. Whereas, Mr. K.K. Das, learned Additional Public Prosecutor, Assam, submits that though he was asked to produce the case diary before this Court, yet, he has not received the case diary. But, as per his instruction, the I.O. has completed investigation and submitted charge-sheet, being Charge-Sheet No.385/2023 before the learned Trial Court.

6. In view of the submission of learned Advocates of both the parties and also in view of the given facts and circumstances on the record, this Court is inclined to dispose of this anticipatory bail application by directing the applicants to approach before the learned Trial Court on or before **28.05.2024** and to apply for regular bail and in the event of filing such an application, the learned Trial Court shall consider the same in accordance with law. Till then, interim order dated 19.10.2023 stands extended.

7. In terms of above, this anticipatory bail application stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant