

GAHC010262192024



2024:GAU-AS:13001

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

Case No. : Bail Appln./3786/2024

BHASKAR KALITA
S/O SASADHAR KALITA
R/O VILL- DEKAGAON, KAMPUR
P.S. KAMPUR
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR M HOQUE, MS J BEGUM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

19-12-2024

Heard Mr. M Hoque, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State.

2. By this application filed under Section 483 of the BNSS, 2023, the petitioner, namely, **Bhaskar Kalita**, son of Sasadhar Kalita, resident of village-Dekagaon, P.S.-Kampur, District-Nagaon is seeking bail in **Chandmari Police Station Case No. 277/2024**, registered

under Sections 304 of the BNS, 2023, corresponding to G.R. No. 6780/2024, in which he was arrested on 19.11.2024 and is in custody since then.

3. As per the FIR dated 14.11.2024 lodged by the informant before the Officer-in-Charge of Chandmari Police Station, the case is that on 14.11.2024 at the early hours of 7:00 AM she was robbed near her residence. While she was driving her new scooter, the petitioner along with another, stopped her and by threatening to kill her showing big sharp weapon (dagger) grabbed her gold necklace and her ear ring (tops) and fled away from the scene in high speed, leaving her injured and wounded.

4. Accordingly, said FIR dated 14.11.2024 was registered as Chandmari Police Station Case No. 277/2024 under Section 304 of the BNS, 2023, corresponding to G.R. No. 6780/2024.

5. Perused the case diary placed before the Court today by Mr. B Sarma, learned APP, Assam.

6. From the case diary it is seen that though residents residing nearby and the nearby apartments saw the incident, but from their statements before the I.O. of the case recorded under Section 180 BNSS, it is seen that they did not see the accused persons properly.

7. Case diary also reflects that the petitioner has been apprehended on suspicion.

8. Considering the materials in the case diary and the detention of the petitioner since 19.11.2024, this Court is of the opinion that further custodial detention of the petitioner is not warranted to investigate said Chandmari P.S. Case No. 277/2024. As such, this bail application of the petitioner is accepted.

9. Accordingly, the petitioner, namely, **Bhaskar Kalita**, son of Sasadhar Kalita, be released on bail in said Chandmari P.S. Case No. 277/2024 on furnishing bail bond of Rs. 50,000/-, with two local sureties, each of the like amount, one of which shall be a Government Employee, either State or Central Government, to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(Metro), Guwahati, subject to the conditions that the petitioner, named above —

- i) shall appear before the concerned Investigating Officer of said Chandmari P.S. Case No. 277/2024 twice a week, on every Monday and Thursday **commencing from**

30.12.2024, for the next three English Calendar months or till filing of Charge-Sheet in the case, whichever is earlier and further, as and when he is required in the said Chandmari P.S case;

ii) shall not leave the territorial jurisdiction of Chandmari Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case;

iii) shall not hamper with the investigation, or tamper with the evidence of the case;

iv) 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 them from disclosing such facts to the Court or to any police officer;

v) shall not threat the victim/informant, or any one from her family members, by him or by anyone acting on his behalf, in any manner.

vi) shall not involve himself in any criminal activities in future.

10. Any violation of the aforesaid terms and conditions by the petitioner, namely, **Bhaskar Kalita**, the bail granted to him in said Chandmari P.S. Case No. 277/2024 shall stand automatically vacated.

11. This bail application accordingly stands allowed.

12. Return the Case Diary herewith.

JUDGE

Comparing Assistant