

GAHC010269432023



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

AB/3965/2023

JAYPRAKASH NATH
S/O KANAK NATH R/O MALAYAR JAGATOLA P.S. BAIHATA CHARALI DIST.
KAMRUP ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP
ASSAM

Advocate for : MR. S CHAMARIA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 04.01.2024

Heard Mr. S.Chamaria, learned counsel for the petitioner. Also heard Mr.B.B.Gogoi, learned Additional Public Prosecutor for the State.

This is an application filed under **Section 438 Cr.P.C.**, praying for pre-arrest bail by the petitioner, namely, **Jayprakash Nath** in connection with **Barekuri P.S. Case No. 21/2023**, registered under Sections **341/326/307/506/34** of the IPC.

Case diary is received.

The allegation in the FIR reveals that on 08.11.2023, when the informant was busy in filling up of the sand in a dumper at village Hatigarh, the present petitioner along with another co-accused person arrived there and assaulted the informant.

The learned counsel for the petitioner submits that the accused has been falsely implicated in this case. There is no such incident as alleged in the FIR though the case was registered under Section 326 IPC but considering the nature of the offence as alleged in the FIR, the case may fall under Section 324 IPC.

Learned Addl.P.P. produced the case diary along with injury report which shows that injury sustained by the victim was simple in nature and caused by sharp weapon and the alleged offence falls under Section 324 IPC.

Having heard learned counsel for the parties and on considering the nature of allegation and also on perusal of case diary, this Courts finds that custodial interrogation of the petitioner is not required for the purpose of investigation of the case. Therefore, he granted the privilege of pre-arrest bail.

Accordingly, it is provided that in the event of arrest of the petitioner, named above, in connection with the aforementioned case, he shall be released on furnishing bail bond of **Rs.20,000/-** with **a suitable surety** of the like amount, to the satisfaction of the arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioner:

(a) shall appear before the Investigating Police Officer within ten days from today and shall co-operate with the investigation;

(b) 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.

The anticipatory bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant