

GAHC010268192023



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

Case No. : Bail Appln./4349/2023

GITU NATH @ SURAJIT NATH
S/O LATE MADAN NATH
VILL- KAKAYA
P.S. BELSOR
DIST. NALBARI, ASSAM
PH. NO. 9864227961

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S ISLAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 04.01.2024

Heard Mr. S. Islam, learned counsel for the petitioner and Mr. B.B. Gogoi, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 439 Cr.P.C., filed by the petitioner,

namely **Gitu Nath @ Surajit Nath**, seeking bail, who was arrested on 10.02.2023 in connection with Sessions Case No. 64/2023 (PRC Case No. 347/2023 arising out of Garchuk P.S. Case No. 22/2023) under Section 436 IPC, pending in the Court of the learned Addl. Sessions Judge No. 5, Kamrup (M), Guwahati.

It is submitted by the learned counsel for the petitioner that the petitioner was arrested on 10.02.2023 and since then he has been in judicial custody. Subsequently, the charge sheet has been submitted under Section 436 IPC by the police. Considering the period of detention, he may be enlarged on bail.

It is also submitted by the learned counsel for the petitioner that though the petitioner has moved bail application before the trial court, but the same was rejected considering the nature and gravity of the offence.

Learned Addl. P.P. has submitted that as the charge sheet has been submitted and the charge has been framed, considering the period of detention, prayer for bail may be considered.

I have perused the scanned copy of the LCR.

It reveals that the charge was framed under Section 436 IPC on 20.05.2023 and thereafter seven months have elapsed, no witness was examined. Order sheet reflects that the trial Court did not take so much of initiative to procure the attendance of the witnesses.

In view of the above and considering the period of detention, prayer for bail is allowed.

Accordingly, it is directed that the accused/ petitioner above named, be released on bail in connection with Sessions Case No. 64/2023 (PRC Case No. 347/2023 arising out of Garchuk P.S. Case No. 22/2023) under Section 436 IPC

on furnishing a bond of Rs. 30,000/- (Rupees thirty thousand) with a suitable surety of the like amount to the satisfaction of the learned Addl. Sessions Judge No. 5, Kamrup (M), Guwahati.

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

- (a) shall not leave the territorial jurisdiction of the learned Addl. Sessions Judge No. 5, Kamrup (M), Guwahati, without prior written permission from him/ her;
- (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/ her from disclosing such facts to the Court.

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

JUDGE

Comparing Assistant