

GAHC010271122023



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

Case No. : Bail Appln./4390/2023

DIPEN BONIA
SON OF SRI LACHIT BONIA, RESIDENT OF RANGCHALI VILLAGE, POLICE
STATION- BEHALI, DISTRICT- BISWANATH, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR

Advocate for the Petitioner : MR. H S BORAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 10.01.2024

Heard Mr. H. S. Borah, learned counsel for the petitioner. Also heard Mr. K. K. Das, learned Additional Public Prosecutor for the State.

This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, *Sri Dipen Bonia*, who has been detained behind the bars since 01.11.2023 (for last 71 days) in connection with Behali P.S. Case No. 143/2023 under Sections 326/307 of Indian Penal Code.

The gist of accusation in this case is that on 19.10.2023, one Dimpimoni Hazarika had lodged an FIR before the Officer-in-Charge of Behali Police Station, *inter alia*, alleging that the accused person named in the FIR, namely, Sri Udit Das had stabbed his mother from back side as a result of which her mother sustained serious injuries.

The learned counsel for the petitioner has submitted that the present petitioner is not named in the FIR whereas the FIR named accused, namely, Sri Udit Das has already been granted bail by a Co-ordinate Bench of this Court by order dated 20.12.2023 in Bail Application No. 4352/2023.

On the other hand, learned Additional Public Prosecutor has submitted that on earlier occasion case diary was available, however, updated case diary was called for with injury report and same has not been received yet by this Court and no reason has been shown by the Investigating Officer for not sending the updated case diary.

Considering the fact that the FIR named accused, namely, Sri Udit Das has already been granted bail by a Co-ordinate Bench of this Court as well as considering the fact that the petitioner has already been detained behind the bars for last 71 days and also considering the fact that the prosecution side has failed to produce the updated case diary, this Court is inclined to grant bail to the present petitioner.

In view of the above named petitioner, namely, *Sri Dipen Bonia* is hereby allowed to go on bail of Rs.30,000/- (Rupees Thirty Thousand) only with one surety of like amount to the satisfaction of learned Chief Judicial Magistrate, Biswanath Chariali subject to the following conditions:-

- (i) That the petitioner shall cooperate in the investigation and shall appear before the Investigating Officer;

(ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any other persons who may be acquainted with the facts of the case so as to dissuade such persons from disclosing such facts before the Investigating Officer.

With the above observation, this bail application is disposed of.

JUDGE

Comparing Assistant