

GAHC010278162023



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

Case No. : Bail Appln./4520/2023

PINTU DAS
S/O MAHENDRA DAS
R/O NEW GMC COLONY
AB-2 BUILDING, Q/NO. 26,
P.S. FATASIL AMBARI
DIST. KAMRUP (M), ASSAM, GUWAHATI-781009

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M SHARMA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

04.01.2024

Heard Mr. S. Deka, learned counsel for the accused and Mr. R.J. Barua, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused namely, **Pintu Das**, who has been languishing in jail hazot since 28.10.2023, in connection with the **Fatasil Ambari P.S. Case No. 257/2023**, under Sections

341/323/326/354/511/379/34 of the IPC, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by Debasish Roy; Sunny Roy; Subam Sarkar; and Sumit Sarkar, on 27.10.2023. The essence of allegations made in the FIR is that on 24.10.2023, at around 9:10 pm, while they were returning home after Immersion of Idol of Rathkhula Sarbajanani Committee, near R.G. Baruah road, one Pintu; Sagar; Biki; and Chandu resident of G.M.C. New Colony stopped their D.I. Vehicle, being armed with knife, bamboo and other sharp weapons, accompanied by some 15 – 20 boys and assaulted him; Ankit Roy; Sumit Sarkar; Subham Sarkar; Manti Sarkar; and Sunny Roy and snatched Debashish Roy's Gold Chain and Mobile Phone and also attempted to outrage the modesty of Manti Sarkar.

4. Mr. Deka, learned counsel for the accused submits that the accused has been languishing in jail hazoot for last 68 days and that further custodial detention of the accused seems to be unwarranted, in the interest of investigation and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Barua, learned Additional Public Prosecutor submits that though the case diary was called for, yet, he has not received the same and he has the instruction that the investigation of the case has already been completed and charge sheet, being Charge Sheet No. 184/2023, dated 20.12.2023, under Sections 341/ 323/ 326/ 354/ 511/ 379/ 34 of the IPC has been laid before the learned court below.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

7. Since the investigation of the case has already been completed and the accused has been languishing in jail for last 68 days, further custodial detention of the accused seems to be unwarranted, in the interest of investigation. Now trial will start and the accused has to prepare his defence.

8. Under aforesaid facts and circumstances, this Court is inclined to allow the petition. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the learned **Chief Judicial Magistrate, Kamrup (M) at Guwahati**, the accused be enlarged on bail.

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

JUDGE

Comparing Assistant