

GAHC010279442023



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

Case No. : AB/4179/2023

PANKAJ DEY AND 2 ORS
S/O LATE PARIMAL DEY
R/O VILL- TULSIBARI
P.O. TULSIBARI, P.S. RANGIA
DIST. KAMRUP, ASSAM
PIN-781376

2: SHRI RINTU DEY
S/O LATE PARIMAL DEY
R/O VILL- TULSIBARI
P.O. TULSIBARI
P.S. RANGIA
DIST. KAMRUP
ASSAM
PIN-781376

3: SHRI MANIK DEY
S/O LATE PARIMAL DEY
R/O VILL- TULSIBARI
P.O. TULSIBARI
P.S. RANGIA
DIST. KAMRUP
ASSAM
PIN-78137

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MD. S ALOM

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

01.02.2024

Heard Mr. S. Alom, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Addl. Public Prosecutor, appearing for the State of Assam.

This is an application under Section 438 of Cr.P.C. for granting anticipatory bail to the accused petitioner namely, (i) Shri Pankaj Dey, (ii) Shri Rintu Dey and (iii) Shri Manik Dey, who are apprehending arrest in connection with Rangia P.S. Case No. 636/2023 (G.R. Case No. 1247/2023) registered under Sections 341/323/325/307/34 of the IPC.

The brief case of the prosecution is that the accused/ petitioner no. 2 i.e. Shri Rintu Dey had some altercation with the informant's son for which the said petitioner / accused called the other co-accused / petitioners and accordingly they came by a bike and thereafter all the three accused persons jointly assaulted the informant son.

It is further alleged that the accused petitioner no. 1 had assaulted the informant son with a bamboo pillar in the head with force.

Mr. S. Alom, learned counsel for the petitioner at the outset submits that the accused/ petitioner no. 1 in the meantime was arrested and has filed regular bail application before this Court. He further submits that allegations made in the FIR are not true and that there has been delay in filing the FIR.

Mr. P. borthakur, learned Addl. Public Prosecutor, Assam submits on the basis of the Case Diary received that the injury report indicates that the informant's son was assaulted by accused / petitioner no. 1, i.e., Shri Pankaj

Dey in the head and has sustained grievous injury to which he succumbed.

I have heard the submissions made at the bar and have perused the materials available on record.

It appears that the investigation has progressed substantially. Further it appears from the materials available on record that it was the accused no. 1; Pankaj Dey who assaulted the victim and not the other two accused petitioners. It further appears that accused petitioner no. 1 has already been arrested and therefore the question of grant of anticipatory bail does not arise for him.

Considering the facts and circumstances of the case, it is provided that in the event of arrest, the petitioners namely, (i) Shri Rintu Dey and (ii) Shri Manik Dey above shall be released on pre-arrest bail in connection with the above noted case on furnishing a bond of Rs. 30000/- (Rupees Thirty Thousand) each with one surety of like amount with the satisfaction of the arresting authority subject to the following conditions.

(i) The petitioners shall appear before the Investigating Officer within 7 days failing which the bail granted shall stand cancelled.

(ii) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade such person from disclosing such facts to the Court or to the any Police Officer.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant