

GAHC010284492023



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

Case No. : Bail Appln./4536/2023

ARUP SARMA
S/O LATE RAMDEV SARMA,
PRESENTLY RESIDING AT HOUSE NO. 15, BYLANE NO. 3 LUTUMA,
ODALBAKRA, GUWAHATI 781034, PS DISPUR, DIST KAMRUP M ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MR. A BHATTACHARYA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

03.01.2024

Heard Mr. A. Bhattacharya, learned counsel for the accused and also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under section 439 Cr.P.C. is preferred by accused, namely, Arup

Sarma, who has been languishing in jail hazot since 26.11.2023, in connection with Dispur P.S. Case No.2211/2023, under Section 341/354/354B/325/307 of the IPC, for grant of bail.

3. It is to be noted here that the above noted case has been registered on the basis of an FIR lodged by one Smt. Lavita Rabha on 25.11.2023. The essence of allegation made in the aforesaid FIR is that on 24.11.2023 at about 4:00 p.m. one Arup Sarma has assaulted the mother of the informant while she along with my father went to his shop for buying grocery and attempted to commit murder and also disrobed her.

4. Mr. Bhattacharya, learned counsel for the accused, submits that the accused is behind the bar for last 38 days and that nothing has happened as alleged in the FIR and considering the period of detention, it is contended to allow the accused to go on bail..

5. On the other hand, Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the injury report of the victim is not available in the case diary but, there are sufficient incriminating materials against the accused and therefore, Mr. Baruah has opposed the petition.

6. Having heard the submission of learned Advocates for both the sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Baruah, learned Additional P.P.

7. It is not in dispute that the accused has been languishing in jail hazot since 26.11.2023. Perusal of the case diary indicates that material part of investigation is almost over and further custodial detention of the accused, in the interest of investigation, seems to be not warranted here in this case and accordingly, considering the period of detention and also considering the fact that the material part of the investigation has already been completed, further custodial detention of the accused seems to be not warranted and therefore, this Court is inclined to allow this petition.

8. It is provided that on furnishing a bond of ₹ 50,000/- with one surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), the

accused be enlarged on bail.

9. In terms of above, this bail application stands disposed of. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant