

GAHC010285772023



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

Case No. : Bail Appln./4581/2023

AMRIT KUMAR @ AMRIT KUMAR SINGH
S/O OM PRAKASH SINGH
R/O BISARPUR, P.S. HARINUMAR
DIST. MUNGAL, BIHAR
PRESENTLY RESIDING AT BALUGHAT
DEURA BUILDING, P.S. BASISTHA
DIST. KAMRUP, METRO, ASSAM
MOBILE NO. 7002778142

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A K AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 05.01.2024

Heard Mr. A. K. Ahmed, 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, *Amrit Kumar @ Amrit Kumar Singh*, who has been detained behind the bar since 14.11.2023 (for last 52 days) in connection with Basistha P.S. Case No. 706/2023 under Sections 353/332/427/34 of Indian Penal Code.

The gist of accusation in this case is that on 14.11.2023, one Saddam Ali who is a Home Guard had lodged an FIR before the Officer-in-Charge of Basistha Police Station, *inter alia*, alleging that on 13.11.2023 he was on duty and he got information that two persons were quarreling and thereafter the informant along with his co-staff rushed to the place and found two persons were fighting. He came to know that the present petitioner was assaulting one Mukesh Singh who had sustained injuries and when the informant apprehended the petitioner, he escaped from the custody of the informant and when he was chased by the informant, the accused persons named in the FIR assaulted the informant and tore his uniform.

The learned counsel for the petitioner has submitted that the petitioner and his friends were playing cards and they ran away after seeing the Police and the allegations made in the FIR are not true.

It is submitted by the learned counsel for the petitioner that the petitioner has been detained behind the bars for the last 52 days and considering the period of detention, he may also be allowed to go on bail.

On the other hand, learned Additional Public Prosecutor has opposed the grant of bail to the present petitioner on the ground that there are incriminating materials against the present petitioner in the case diary. However, he has also submitted that in the meanwhile, the Investigating Officer has recorded the statement of relevant witnesses.

I have considered the submissions made by learned counsel for the parties and have perused the materials on record including the case diary of Basistha P.S. Case No. 706/2023.

Though there are incriminating materials against the present petitioner in the case diary, however, considering the progress made in the investigation as well as considering the period of detention already undergone by the present petitioner, further custodial detention of the present petitioner does not appear to be necessary for fair completion of the investigation of Basistha P.S. Case No. 706/2023.

In view of the above, the petitioner, namely, *Amrit Kumar @ Amrit Kumar Singh* is hereby directed to be enlarged on bail of Rs.30,000/- (Rupees Thirty Thousand) only with one surety of like amount to the satisfaction of learned Chief Judicial Magistrate, Kamrup(M), subject to the condition:-

- (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 or before the Court.

With the above observations, the bail application is hereby disposed of.

JUDGE

Comparing Assistant