

GAHC010287892023



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

Case No. : Bail Appln./4678/2023

PANKAJ DEY
S/O LATE PARIMAL DEY
R/O VILL- 2 NO. TULSIBARI (MAHTOLI), P.O. TULSIBARI, P.S. RANGIA
DIST.KAMRUP, ASSAM
PIN-781376

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 439 of the Code of Criminal Procedure, 1973 for granting of regular bail to the accused / petitioner, namely,

Pankaj Dey, who was arrested on 12.12.2023 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 no. 2, Shri Rintu Dey had some altercation with the informant's son for which the said accused no. 2 called the petitioner accused and another co-accused and accordingly they came by a bike and thereafter all the three accused persons jointly assaulted the informant's son.

It is further alleged that the accused petitioner had assaulted the informant's son with a bamboo pillar in the head with force.

Mr. S. Alom, learned counsel for the petitioner submits that the 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 son was assaulted 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 accused petitioner has been languishing in jail for last 51 days. It further appears that the investigation has progressed substantially and the statements of the witnesses as well as the accused person have already been recorded.

Considering the length of detention and the facts and circumstances of the case, the petitioner namely, Shri Pankaj Dey is allowed to go on bail of Rs.

30000/- (Rupees Thirty Thousand) with one surety of like amount to the satisfaction of the learned SDJM, Rangia subject to following conditions.

(i) That the petitioner shall cooperate with the investigation.

(ii) The petitioner 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.

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

JUDGE

Comparing Assistant