

GAHC010295562023



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

Case No. : Bail Appln./4612/2023

MRINMOY BAISHYA
S/O SRI RAJESWAR BAISHYA
R/O (2 NO.) DALIBAI
P.S. HAJO
DIST. KAMRUP (R)
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR R A AHMED
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 11.01.2024

1) Heard Mr. M. Ahmed, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

2) This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Mrinmoy Baishya who has been detained behind the bars since 12.12.2023 (for last 30 days) in connection with Hazo P. S. Case No. 710/2023 under Sections 326/307/34 of the Indian Penal Code.

3) The gist of the accusation against the petitioner in this case is that on 07.12.2023 one Dikshita Baishya had lodged an FIR before the In-Charge of Dalibari Police Outpost under Hazo Police Station, *inter-alia*, alleging that the accused persons named in the FIR including the present petitioner had assaulted the brother-in-law of the first informant and caused grievous injuries on his person.

4) Learned counsel for the petitioner has submitted that the petitioner has been detained behind the bars for the last 30 days and the allegations against the present petitioner is not true. He has submitted that considering the period of detention the petitioner may be allowed to go on bail.

5) On the other hand, learned Additional Public Prosecutor has produced the case diary of Hazo P. S. Case No. 710/2023 and has submitted that though the victim in this case has sustained injuries, however, from medical report it appears that the injuries sustained by the victim are simple in nature.

6) Learned Additional Public Prosecutor has also submitted that the Investigating Officer has also recorded the statement of the witnesses under Section 161 of the Code of Criminal Procedure, 1973.

7) Considering the progress made in the investigation and the period of detention also undergone by the present petitioner as well as the fact that the victim has sustained simple injuries, further custodial detention of the present petitioner does not appear to be necessary for fair completion of the

investigation.

8) In view of the above, the petitioner, namely, Mrinmoy Baishya is hereby allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only) with one surety of like amount subject to the satisfaction of the learned Judicial Magistrate First Class, Hazo, if he cooperates in the investigation with the following conditions:

- i. That the petitioner shall regularly appear before the Investigating Officer and cooperate in the investigation.
- ii. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case, so as to dissuade such person from disclosing such facts of the case before the Investigating Officer or any Court.

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

JUDGE

Comparing Assistant