

GAHC010294032023



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

Case No. : AB/4373/2023

NAVIN KR RAY
S/O BINDA RAY
R/O BYE LANE NO. 3, ABC TARUN NAGAR, GUWAHATI,
P.S. BHANGAGARH, DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

03.01.2024

Heard Mr. S. Munir, learned counsel for the applicant and Mr. R.J. Barua, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Bhangagarh P.S. Case No. 310/2023**, under Sections 341/325/307/392 of the IPC, this application

under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, **Navin Kr. Ray** for grant of pre-arrest bail.

3. The said case has been registered on the basis of one F.I.R., lodged by one Mrinal Borah, on 27.11.2023. The essence of allegation made in the FIR is that on 27.11.2023, at about 2 am, while he was returning from a marriage party at Hatigaon, 4 persons namely, Bhola Saha; Navin Rai; Lokesh Rai; and others assaulted him at Tarun Nagar, while he asked them to remove their bike from the way.

4. Mr. Munir, learned counsel for the applicant submits that vide order dated 18.12.2023, in BA No. 4502/2023, this Court was pleased to grant bail to one of the co-accused namely, Bhola Sah, on the ground that the injuries sustained by the informant were simple in nature. Mr. Munir further submits that the applicant is innocent and he is ready to cooperate with the investigating agency, and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Barua, learned Additional Public Prosecutor, has produced the case diary before this court and submits that though the injuries were simple in nature, yet, the IO has collected sufficient incriminating materials in support of the allegations made in the FIR and therefore, it is contended to dismiss the petition.

6. Having heard the submissions of learned Advocates of both sides, I have carefully perused the petition as well as the documents placed on the record and also perused the case diary with the assistance of learned Additional Public Prosecutor.

7. It appears from the case diary that the injuries sustained by the

informant were simple in nature caused by blunt object and the injuries as described in the injury report are swelling over forehead, multiple abrasions over face and multiple abrasions over neck. Further, it appears that one of the co-accused namely, Bhola Sah, is already been enlarged on bail by this Court, vide order dated 18.12.2023, in BA No. 4502/2023.

8. Having considered above and also considering the submissions of learned counsel for both the parties and the materials collected so far in the case diary and also the nature and gravity of the allegations, it is provided that in the event of arrest of the applicant, in connection with **Bhangagarh P.S. Case No. 310/2023**, under Sections 341/325/307/392 of the IPC, the applicant shall be enlarged on pre-arrest bail on executing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the arresting authority.

9. The above privilege is, however, subject to the following conditions:

(i) that the applicant shall make **himself** available for interrogation by the Investigating Officer as and when required;

(ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade **him** from disclosing such facts to the Court or to any police officer; and

(iii) that the applicant shall not leave the jurisdiction of the learned **Chief Judicial Magistrate, Kamrup [M] at Guwahati**, without prior permission.

10. In terms of above, this AB stands disposed of.

11. The case diary be returned.

Comparing Assistant

JUDGE