

GAHC010295562023



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

Case No. : AB/1/2024

RAJESWAR BAISHYA AND ANR
S/O LATE HARMOHAN BAISHYA
R/O 2 NO. DALIBAI,
P.S. HAJO,
DIST. KAMRUP (R), ASSAM

2: USHA RANI BAISHYA @ USHA BAISHYA
W/O RAJESWAR BAISHYA
R/O 2 NO. DALIBAI

P.S. HAJO

DIST. KAMRUP (R)
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR R A AHMED

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 11.01.2024

- 1)** Heard Mr. M. Ahmed, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.
- 2)** This anticipatory bail application has been preferred under Section 438 of Code of Criminal Procedure, 1973, by the petitioners, namely, 1. Rajeswar Baishya, and 2. Usha Rani Baishya @ Usha Baishya praying for grant of pre-arrest bail to the petitioners, who are apprehending arrest 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 petitioners 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 petitioners had assaulted the brother-in-law of the first informant and caused grievous injuries on his person.
- 4)** Learned counsel for the petitioners has submitted that the petitioners are the parents of the accused no.3 Mrinmoy Baishya who was also already arrested in connection with this case and in no way involved in the offence alleged in the FIR.
- 5)** Learned counsel for the petitioners has also submitted that the son of the present petitioners have already been granted bail in B. A. No. 4612/2023 by order dated 11.01.2024 by this Court.

6) It is also submitted that the petitioners are ready to cooperate in the investigation.

7) Learned Additional Public Prosecutor has produced the case diary of Hazo P. S. Case No. 710/2023 and has submitted that there are incriminating materials against the son of the present petitioners, however, nothing is there against the present petitioners in the case diary. Hence, he does not oppose the grant of the bail to the present petitioners.

8) In view of the above facts, in the event of their arrest in connection with Hazo P. S. Case No. 710/2023, petitioners, namely, 1. Rajeswar Baishya, and 2. Usha Rani Baishya @ Usha Baishya shall be allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only) each with one surety of like amount subject to the satisfaction of the arresting authority with the following conditions:

i. That the petitioners shall regularly appear before the Investigating Officer and cooperate in the investigation.

ii. That the petitioners 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.

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

10) Send back the case diary.

JUDGE

Comparing Assistant