

GAHC010295722023



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

Case No. : AB/64/2024

MANAN DAS @ MANAN CH DAS
SON OF BANRAM DAS, RESIDENT OF SARANGBARI (PURON CHOWK),
POLICE STATION- TAMULPUR, DISTRICT- TAMULPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P., ASSAM

Advocate for the Petitioner : MR. R SARMA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

22.01.2024

Heard Mr. R. Sarma, learned counsel for the petitioner. Also heard Mr. K.K. Parashar, learned Addl. P.P, Assam for the State respondent.

This is an application under Section 438 of Code of Criminal Procedure,

1973 praying for grant of pre-arrest bail to accused/petitioner, namely Manan Das @ Manan Ch Das in connection with Tamulpur Police Station Case No. 271/2023 registered under Section 326/307 of the IPC.

The case of the prosecution is that on 13.11.2023, when the informant had gone to the grocery shop to purchase some essential items, the accused/petitioner of the nearby Pharmacy shop attacked him with sharp weapon with intention of killing him and fled from the place of occurrence. The informant was injured with seven stitches and a case accordingly was registered. The petitioner apprehending arrest in connection with the said case has filed the present pre-arrest bail application.

Mr. R. Sarma, learned counsel for the petitioner submits that he is apprehending arrest on the allegation of having committed cognizable, non-bailable offences and that the Investigating Authorities have been frequently visiting his house and in the event of his arrest, he shall suffer immensely and that he is ready to cooperate with the investigation and will make himself available before the Investigating Officer as and when required.

Mr. K.K. Parashar, learned Addl. P.P strongly opposes the prayer of pre-arrest bail and submits on the basis of the Case Diary received that the investigation is going on and sufficient materials have been collected, which implicates the petitioner. He further submits that the injuries are grievous in nature and has been caused by sharp weapon which was carried by the accused/petitioner and hence, ought not to be granted pre-arrest bail.

I have heard the submissions made at the bar and perused the materials

on record and the Case Diary placed before this Court.

It appears that the accused/petitioner has attacked the informant with a sharp weapon which he was carrying and thereafter, fled away from the place of occurrence. It further appears that the injuries sustained by the informant are grievous in nature and there are overall seven stitches in the forehead.

Considering the nature of allegation, the weapon used, the manner in which the injury has been inflicted, this Court is not inclined to grant the accused/petitioner the privilege of pre-arrest bail.

Accordingly, the application stands rejected.

Return the Case Diary.

JUDGE

Comparing Assistant