GAHC010000792020

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

Case No. : AB 32/2020

1:DIGANTA KUMAR NEOG
S/O LATE BHUBAN CH. NEOG, R/O LAIPULI KAPTANCHUK, P.O.-LAIPULI (PANITOLA), P.S.-TINSUKIA, DIST-TINSUKIA, ASSAM

VERSUS

1:THE STATE OF ASSAM
(NOTICE THROUGH THE PUBLIC PROSECUTOR, ASSAM)

Advocate for the Petitioner : MRS. R BORBORA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE RUMI KUMARI PHUKAN

ORDER

Date : 23-01-2020

Heard Mr. AC Borbora, learned senior counsel for the accused-petitioner as well as Mr. N. Kalita, learned Additional P.P., Assam, appearing on behalf of the State/respondent.

This is an application, under Section 438 CrPC, seeking pre-arrest bail of the accused-petitioner, namely, Diganta Kumar Neog, in the event of arrest in connection with Chabua PS Case No. 292/2019 registered under Sections 147/148/149/325/436/427/307 IPC.

Perused the case records and the case diary.

As per the FIR, house of the informant was gutted down by the miscreants, who

demonstrate protest against the Citizenship Amendment Act and in the process whole building was burned down apart from damaging some vehicles.

Although accused-petitioner is not named in the FIR, which is filed by one Deva Bala Gogoi (Hazarika) but the accused was present along with others at the place of occurrence and witnesses have duly identified the accused-petitioner along with others, who committed such mischief. It is the evidence of all the police officials, who are on duty at the relevant time, that due to such mischief committed by the accused persons, they could somehow manage to take out the family members from inside the house for their safety of life. The complicity of the present accused-petitioner is suggested by large number of witnesses so far examined. The offence under Section 436 and 307 IPC is sessions triable one.

Considering all entirety of the matter and the gravity of offence, this Court is of the opinion that it is not a fit case to grant the privilege of pre-arrest bail to the accused-petitioner in connection with the case. Accordingly, the prayer for pre-arrest bail stands rejected.

The application stands dismissed. Return the case diary.

JUDGE

milansinha/

Comparing Assistant