GAHC010150932020

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

Case No. : AB/2984/2020

BIJU MANDAL AND ANR
S/O LT. LAKHAN MANDAL, R/O H. NO. 26 ANUPAM PATH, KAILASH NAGAR, GEETA MANDIR, P.S. GEETANAGAR, GUWAHATI, DIST. KAMRUP (M), STATE- ASSAM 2: SUNNY MANDAL
Age:
Occupation

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM.

Advocate for the Petitioner : MR. A AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MIR ALFAZ ALI

ORDER

Date : 06-11-2020

Heard Mr. Azad Ahmed, learned counsel for the petitioners and Mr. B. Sarma, learned Addl. P.P. for the respondent.

By this application under Section 438 of the Cr.PC., the petitioners, namely, 1. Sri Biju Mandal and 2. Sri Sunny Mandal have prayed for pre-arrest bail apprehending arrest in connection with Geetanagar P.S. Case No. 290/2020 under Section 326/307/34 IPC.

Perused the FIR and the documents annexed with the petition and also the case diary produced today.

Though both the petitioners approached this court for pre-arrest bail, Mr. Azad Ahmed, learned counsel for the petitioners submits that presently, the prayer for pre-arrest bail of the petitioner No. 2 is not pressed as he is a minor and has approached the Juvenile Justice Board. Therefore, only the petitioner No. 1 is before us.

Though the allegation made in the FIR that both the petitioners assaulted the son of the informant causing serious injuries, the case diary produced today does not reflect any incriminating material against the present petitioner, namely Biju Mandal to substantiate the allegation made in the FIR and as such the prayer for pre-arrest bail of the petitioner Biju Mandal stands allowed. Accordingly, it is provided that in the event of arrest of the petitioner, namely, Biju Mandal, he shall be released on furnishing a bail bond of Rs. 20,000/- with one suitable surety of the like amount to the satisfaction of the arresting authority. The pre-arrest bail is subject to the following conditions.

1. The petitioner shall appear before the Investigating Officer within 10 days and co-operate with the investigation.

2. The petitioner 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.

The bail application is disposed of.

Return the case diary.

JUDGE

Comparing Assistant