GAHC010155082020

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

Case No. : Bail Appln./2341/2020

KHIRUD PEGU AND ANR
S/O LT. MAHANDRA PEGU, VILL-BORKHAMON, P.S.-DHAKUAKHANA, DIST-LAKHIMPUR

2: DENNY PEGU
S/O AMIYA PEGU
VILL-EKARIA
P.S.-DHAKUAKHANA
DIST-LAKHIMPU

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS. S G BARUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

02.12.2020

Heard Ms. S.G. Boruah, learned counsel for the accused-petitioners and Ms. S.H. Borah, learned Addl. PP for the State/respondent.

By this petition under Section 439 Cr.P.C., the petitioners, namely, **1. Khirud Pegu and 2. Denny**

Pegu, have prayed to release them on bail, in connection with **Dhakuakhana P.S. Case No. 185/2020 (Corresponding to G.R. Case No. 314/2020)** under Sections 120B/143/147/447/448/427/204/477/436/353 of the IPC read with Section 4 of the Prevention of Damage to Public Property Act.

The case diary, as called for, is placed before the Court.

Ms. S.G. Baruah, learned counsel for the accused petitioners, submits that the accused persons have been behind the bar for 50 days since 14.10.2020 on false accusation. Ms. Baruah further submits that the incident was staging of dharna protest on public cause where about 200 villagers joined, who, in fact, remained unidentified due to wearing of masks.

Ms. S.H. Bora, learned Addl. P.P., submits that both the accused persons, the case diary reveals, were named in the FIR as the prime accused along with others, who spear headed the violent group.

The F.I.R., dated 14.10.2020, lodged by the Chief Executive Officer, Lakhimpur Zilla Parishad before the Officer-in-Charge of Dhakuakhana P.S. revealed the allegation that a violent group of 120/130 people forcefully entered into the campus of Pub-Dhakuakhana Gaon Panchayat on 13.10.2020 at around 12.00 p.m. and ransacked the Panchayat office causing damage to property and then locked the main door of the office building.

On scrutiny of the case diary, it appears that there is abundance of incriminating material against the accused petitioners. It is noticed that they had, in fact, spear headed the violent group of people. The investigation has substantially progressed in respect of the role in the incident and some of the co-accused persons are yet to be arrested.

However, keeping in consideration of the length of detention, this Court is of the view that if the liberty of bail is granted to them, the ongoing investigation is unlikely to be adversely affected.

Accordingly, it is provided that each of the accused-petitioners, named above, shall be released on bail of **Rs. 30,000/- (Rupees Thirty Thousand)** with one surety of like amount to the satisfaction of the **learned S.D.J.M. (M), Dhakuakhana, Lakhimpur** subject to the following conditions-

i) That the accused/petitioners shall cooperate with the Investigating Officer as and when required;

ii) That the accused/petitioners 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 Police Officer or the Court;

iii) That the accused/petitioners shall not hamper or tamper with the

investigation in any manner; and

iv) That the accused/petitioners shall refrain from committing any similar offences in future of which they are accused or suspected of commission.

Return the case diary.

This disposes off the bail application.

JUDGE

Comparing Assistant