GAHC010156992020

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

Case No. : Bail Appln./2383/2020

JIMI GOWALA AND 4 ORS.
S/O SRI RANJIT GOWALA, R/O TALMA, P.S.-RAJGANJ, DIST-JALPAIGURI, WEST BENGAL

2: RAKESH GOWALA
S/O LT. KRISHNA GOWALA, R/O POTA PUKHUR, P.S.-RAJGANJ, DIST-JALPAIGURI, WEST BENGAL

3: DHARAM KR. YADAV
S/O LT. NARAYAN KR. YADAV, R/O NAYATULA JURABGANJ, P.S.-KOHRA, DIST-KATIHAR, BIHAR

4: BHARAT YADAV
S/O RAJU YADAV, R/O NAYATULA JURABGANJ, P.S.-KOHRA, DIST-KATIHAR, BIHAR

5: AMAR GOWAL
S/O LATE ADHIK GOWALA, R/O FATAPUKHUR, P.S.-RAJGANJ, DIST-JALPAIGURI, WEST BENGAL

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. C K NATH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 03-12-2020

Heard Mr. S. Munir, learned counsel for the petitioners. Also Heard Mr. N.K. Kalita, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the petitioners, namely i) Jimi Gowala ii) Rakesh Gowala iii) Dharam Kr. Yadav iv) Bharat Yadav and v) Amar Gowala have prayed for grant of bail in connection with PRC Case No. 337/2020 u/s 395 of the IPC arising out of Hojai P.S. Case No. 606/2020 registered u/s 392 of the IPC.

Scanned copy of the LCR has been received.

Perusal of the scanned copy of the LCR shows prima facie incriminating material against the accused petitioners. However, considering the length of detention since 01.09.2020 (94 days) and as the investigation in the case is completed with filing of chargesheet, this Court finds that further detention of the accused petitioners may not be required in the case.

Therefore, it is provided that each of the accused/petitioners, named above, shall be released on bail of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of like amount to the satisfaction of the learned S.D.J.M., Hojai 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;

iv) That the accused/petitioners and their bailors shall produce the Voter Identity Card/Passport/Permanent Residential Certificate, whatever is available at the time of submission of the bail bond for satisfaction of the learned Court below regarding their identity and address and then return the same retaining photocopy thereof on record.

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

This disposes off the bail application.

JUDGE

Comparing Assistant