GAHC010162912020

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

Case No. : AB/3262/2020

ANUPAM SAIKIA @ JAN SAIKIA
S/O LATE SONARAM SAIKIA, R/O BIBIJAN, WARD NO. 04, P.S. AND P.O.- TITABOR, DIST-JORHAT, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M BISWAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 08-12-2020

Heard Mr. M Biswas, learned Counsel for the petitioner and Mr. NK Kalita, learned Addl.Public prosecutor for the State respondent.

By this petition under Section 438 Cr.P.C., the petitioner, namely**, Anupam Saikia @ Jan Saikia** has prayed for pre-arrest bail apprehending arrest in connection with **Titabor**

PS Case No. 390/2020 under Sections 447/294/353/307/506/34 of the IPC read with Section 25 (1) (a) of Arms Act.

Case diary is received.

Mr. M Biswas, learned counsel for the petitioner, submits that the petitioner is a supplier of stone and presently he is executing a project for construction of hospital. Mr. Biswas further submits that the petitioner did not possess any pistol, as alleged.

Mr. NK Kalita, learned Addl.P.P. submits that nothing is recovered from the possession of the present petitioner and the petitioner in fact fled away from the place of occurrence after rebuking one person, who was unknown to him.

The allegation in the FIR is that on 04.11.2020, the petitioner along with another person entered the hospital premises in a vehicle and started screaming and yelling loudly and passed abusive comments and asked the address and occupation of one Sanjib Bhuyan, Covic-19 Co-ordinator and later on, fled away.

Upon hearing of both sides and consideration of the allegations and further, the evidence so far collected by the investigating officer till date, this Court is of the view that in the backdrop of facts, the custodial interrogation of the petitioner may not be necessary in the interest of the investigation.

Therefore, it is provided that in the event of arrest, the petitioner, named above, shall be released on furnishing bail of **Rs.20,000/-** with one surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:

(i) That the petitioner shall appear before the Investigating Officer within 7 days;

(ii) That the petitioner shall not hamper or tamper with the investigation in any manner; and

(iii) That 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/her from disclosing such facts to the Court or to any police officer.

Return the case diary.

The anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant