GAHC010163312020

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

Case No. : Bail Appln./2568/2020

KAMAL CHETRY
S/O- SRI RAN BAHADUR CHETRY, R/O- VILL- PANCHMILE, MOHORI CAMP, P.S. GOGAMUKH, DIST.- DHEMAJI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM

Advocate for the Petitioner : MR. T CHUTIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

22.12.2020:

Heard Mr. T. Chutia, learned counsel for the petitioner. Also heard Mr. N. J. Dutta, learned Additional Public Prosecutor, Assam for the State respondent.

This is an application, filed under Section 439 of the Cr.P.C. seeking bail of the accused-petitioner, namely, ***Sri Kamal Chetry,*** in connection with ***Dhemaji PS Case No. 491/2020*** registered under Section 17(B) of NDPS Act.

Mr. Dutta, learned Additional Public Prosecutor has produced the case diary

before the Court. Availability of the case diary before this Court itself is indicative of the fact that the investigation has not been completed and charge sheet has not been laid.

On perusal of the case dairy also it is found that charge sheet has not been prepared. The accused-petitioner has been in custody for 61 days as on date with effect from 23.10.2020. That being so, the accused-petitioner is entitled to grant of default bail. Accordingly, the accused-petitioner is granted bail.

The accused-petitioner, named above, shall be released on bail in connection with ***Dhemaji PS Case No. 491/2020 on*** furnishing bail bond of Rs. 20,000/- with two suitable sureties of the like amount, to the satisfaction of learned Special Judge, Dhemaji.

The direction for bail is further subject to the conditions that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of learned Special Judge, Dhemaji, without prior written permission from him;

(b) shall not hamper with the investigation, or tamper with the evidence of the case; and

(c) 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 petition stands disposed of accordingly.
Return the case dairy.

JUDGE

Comparing Assistant