GAHC010168332020

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

Case No. : Bail Appln./2596/2020

HARE KRISHNA DUTTA
S/O- SACHIN DUTTA, R/O- VILL- LUIT NAGAR, NEAR LAKHI MANDIR, P.S.- NOONMATI, DIST.- KAMRUP (M), PIN- 781020, PH- 9706057891

VERSUS

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

Advocate for the Petitioner : MR Z ALAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

26-11-2020

Heard Mr. Z. Alam, learned counsel for the petitioner and Mr. R. J. Baruah, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 439 CrPC, the petitioner, namely, Hare Krishna Dutta is seeking bail in Noonmati Police Station Case No.704/2020 registered under Sections 14 of the Assam Game and Betting Act corresponding to G.R. No.13992/2020.

Perused the case diary placed before the Court by the learned Additional Public

Prosecutor and the statements of the independent witnesses so far recorded by the concerned Investigating Officer.

It is seen that the petitioner along with other persons were celebrating Diwali by playing cards in the Kali Mandir at Gopal Nagar and on arrival of the police personnel from the Noonmati police Station all of them fled away from the scene.

The petitioner was arrested on 14.11.2020 and since then, he is in custody.

Case diary reveals that the petitioner has admitted his involvement in the case.

The statement of the independent witnesses recorded so far by the concerned Investigating Officer reflect that on the night of Diwali, the petitioner along with others were playing cards.

Mr. Alam, learned counsel for the petitioner placed before the Court a copy of the order dated 23.11.2020 of the learned JMFC, Kamrup(M), Guwahati whereby co accused of the case namely Utshab Kalita and Satyendra Pathak, who were arrested along with the petitioner in said Noonmati P.S. Case No.704/2020 have already been released on bail.

Considering the above and the materials in the case diary as well as considering the period of his detention in custody since 14.11.2020, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate the said Noonmati P. S. Case No.704/2020.

Accordingly, the petitioner, namely, **Hare Krishna Dutta** be released on bail in connection with said Noonmati P. S. Case No.704/2020 on furnishing bail bond of Rs. 30,000/- with two local sureties of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), Guwahati on conditions that the petitioner **(i)** shall appear before the Investigating Officer of said Noonmati P. S. Case No.704/2020 as and when he is required for necessary investigation of the case; **(ii)** shall not leave the territorial jurisdiction of the Noonmati Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; **(iii)** shall not hamper with the investigation, or tamper with the evidence of the case and **(iv)** he 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 them from disclosing such facts to the Court or to any police officer.

Any violation of the aforesaid terms and conditions by the petitioner, named above, the bail granted to him in said Noonmati P. S. Case No.704/2020 shall stand automatically vacated.

Bail application is accordingly stands allowed.

Return the case diary.

JUDGE

Comparing Assistant