GAHC010169242020

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

Case No. : AB/3397/2020

PH. MANIDHON SINGHA, MAJOR (RETD.)
S/O LATE BALADEB SINGHA, R/O VILL-LALANG PT-I, P.O.-PAILAPOOL,
P.S.-LAKHIPUR, DIST-CACHAR, ASSAM, PIN-788098

VERSUS

STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. D CHAKRABARTY

Advocate for the Respondent : PP, ASSAM

BEFORE

THE HON'BLE MR JUSTICE PRASANTA KUMAR DEKA

O R D E R

23. 11. 2020

Heard Mr. D Chakraborty, learned counsel for the petitioner. Also heard Mr. H Sarma, learned Additional Public Prosecutor for the State of Assam.

By this application under Section 438 Cr.P.C., the petitioner, namely, Ph. Manidhon Singha is seeking pre-arrest bail in connection with Lakhipur P.S. case No. 330/2020 corresponding GR case No. 473/2020 registered under Section 120(B)/420/468/471 IPC.

The present petitioner preferred AB 2714/2020 in respect of Lakhipur P.S. case No. 330/2020 corresponding GR case No. 473/2020 registered under Section 120(B)/420/468/471 IPC. The petitioner was granted the interim protection and the matter was fixed for production of the case diary. At that relevant point of time it was informed before the court that the Lakhipur PS case No. 330/2020 was charge-sheeted. Upon such disclosure, the AB No. 2714/2020 was closed with a direction to the petitioner to file appropriate bail application in the concerned court below. However, it was discovered later on that the charge-sheet number submitted before this court was not the one in Lakhipur PS case No. 330/2020. Subsequently, the petitioner has preferred this application under Section 438 Cr.P.C. On production of the case diary, I have perused it.

Considering the nature of the allegation in the FIR which is amongst the family members, I am satisfied to allow this application for pre-arrest bail of the petitioner with the following terms and conditions:

(1) The petitioner shall not leave the territorial jurisdiction of the aforesaid police station, without prior written permission from its officer-in-charge,
(2) The petitioner shall not hamper with the investigation, or tamper with the evidence of the case,
(3) 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 from disclosing such facts to the Court or to any police officer,
(4) The petitioner shall appear before the Officer-in-charge, Lakhipur PS within 7(seven) days from today,
(5) The petitioner shall continue to appear before the Investigating Officer of the above mentioned case after every 10(ten) days from the date of first appearance till such time the attendance is dispensed with by the said investigating officer.

Accordingly, petition stands disposed of. Send back the case diary.

JUDGE

Comparing Assistant