

Misc (Bail) Case no. 178/2020

05.11.2020

The bail petition no. 733/2020 is filed u/s 438 CrPC by the petitioner, Sri Dhan Baruah @ Dhan Gogoi in connection with Gohpur PS Case No. 364/2020 u/s 457/380/511 IPC apprehending arrest in the instant case.

Heard learned counsel for both the sides.

The learned counsel for the petitioner submitted that the petitioner is innocent but he apprehends arrest by police in this case.

The case diary as called for is received.

The informant in his 'ejahar' dated 26.09.2020 stated that in the early morning of 22.09.2020 at about 3 am, the accused petitioner stealthily entered into his house by opening door, but as the accused put on his torch light, he awoke from his sleep to raise alarm. The accused soon fled away. But later he was apprehended by villagers and he was handed over to the police along with a bicycle.

The 'ejahar' though reveals that the accused was handed over to police after apprehension but he was not arrested by police. The seizure list shows that the Investigating Officer has seized a bicycle from the place of occurrence.

Considering the materials so far collected against the accused petitioner as revealed by the case diary and the allegations leveled against him, I find that custodial interrogation of the accused person is not warranted. This is a fit case wherein the benefit of pre-arrest bail can be extended to the accused petitioner. Hence, the petition is allowed.

Accordingly, the O/C of Gohpur P.S. is directed to release the petitioner in the event of his arrest in connection with the instant case, after obtaining a bail bond of Rs.10,000/- with one surety of the like amount on the conditions that- (1) the petitioner shall surrender before the O.C. of the concerned P.S. within two days, (2) the petitioner shall make himself available for interrogation by the Investigating Officer as and when required, (3) he shall not hamper the investigation or tamper with the evidence of the case, (4) 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 him/her from disclosing such facts to the Court or to the Investigating Officer.

Inform the O/C of the concerned P.S.

Send back the case diary.

The Misc. Case is disposed of, accordingly.