

AB 3476/2015

BEFORE

HON'BLE MR JUSTICE P.K.SAIKIA

This is an application u/s 438 CrPC filed by one Babul Saikia @ Babul who apprehends arrest in connection with North Lakhimpur P.S. Case No. 1208 of 2015 under Sections 326/420 IPC.

Heard Mr. A. K. Hussain, learned counsel for the petitioner. Also heard Mr. N. J. Dutta, learned Addl. Public Prosecutor, appearing for the State.

CD was called for and same is produced before the Court today. One Tuntun Baiga lodged an FIR on 07.11.2015 with OC, Lilabari Outpost alleging that the accused had assaulted his elder brother (Ajit Baiga) inflicting grievous injury on his person. On the basis of such allegation, North Lakhimpur P.S. Case No. 1208 of 2015 was registered.

The learned counsel for the petitioner submits that the allegation in the FIR aforesaid is not entirely correct. In fact, there was a mutual marpit between the accused petitioner and the elder brother of the informant in which both the sides sustained injuries of simple nature. In that connection, I have heard the learned Addl. P.P. and perused the CD being aided by him.

In view of materials in the CD, I am of the opinion that the accused petitioner is required to be given the benefit of pre-arrest bail in the event of his arrest in connection with the aforesaid case.

Accordingly it is provided that in the event of arrest of the accused petitioner, namely, Babul Saikia @ Babul shall be released on bail of Rs. 10,000/- with a surety of like amount to the satisfaction of the arresting authority. He is further directed to appear before the IO within 10 days from today to facilitate the ongoing investigation.

AB stands disposed of.

Return the CD.