

B.A. NO.59 of 2017

**BEFORE
THE HON'BLE THE CHIEF JUSTICE MR. T. VAIPHEI**

Present:

For the petitioners : Mr. A.K. Bhowmik, Sr. Advocate,
Mr. B. Deb, Advocate,
Mr. Raju Datta, Advocate,
Mr. D. Kar, Advocate.

For the respondent : Mr. R.C. Debnath, Addl. P.P.

21.12.2017.

Heard Mr. A.K. Bhowmik, the learned senior counsel assisted by Mr. Raju Datta, the learned counsel for the petitioners. Also heard Mr. R.C. Debnath learned Additional Public Prosecutor appearing for the State, who has raised strong objection against the bail application.

This is an application under Section 439 Cr.P.C. for granting bail to the accused persons namely, **(1) Sri Niru Das (2) Sri Samir Baishya (3) Sri Uttam Banik (4) Sri Prajesh Bhowmik (5) Sri Safar Mia** who have been detained in custody over 90 days in the case of the petitioner No.1 and over 75 days for the remaining accused persons in connection with Chailengta P.S. Case No.07 of 2017 U/s 447/302/325/34 I.P.C.

Drawing my attention to the bail order dated 30-10-2017 passed by this Court in A.B. NO.107 of 2017, the learned senior counsel submits that in their counter case, the accused persons therein were released on anticipatory bail and submits that considering the long period of detention already undergone by the accused persons herein, the accused persons herein may also be enlarged on bail. With the Assistance of the learned Additional Public Prosecutor, I have carefully gone through the Case Diary and the incident occurred due to mob violence for which both the parties were making allegation against each other. In this view of the matter, keeping in mind the long period of detention already

undergone by the accused persons, I am of the view that they deserve to be released on bail.

Resultantly, all the accused persons are directed to be enlarged on bail on their executing a P.R. Bond of **50,000/-** (Rupees fifty thousand) by each of them with one surety each of the like amount to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Chailengta, Unakoti Judicial District.

The application is disposed of.

CHIEF JUSTICE

Dipesh