

GAHC010030072019



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

**Case No. : AB 379/2019**

1:NISHENDRA ROY AND ANR.  
S/O LATE TORINI ROY  
VILL- BOGHUA, P.O. ANGLARBAZAR, P.S. BODARPUR, DIST. KARIMGANJ,  
ASSAM.

2: DIPON ROY  
S/O NOSHENDRA ROY  
VILL- BOGHUA  
P.O. ANGLARBAZAR  
P.S. BODARPUR  
DIST. KARIMGANJ  
ASSA

VERSUS

1:THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR H I CHOUDHURY**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE HITESH KUMAR SARMA**

**ORDER**

**Date : 28-02-2019**

This is an application, filed under Section 438 Cr.PC, praying for pre-arrest bail of the petitioners, namely, 1) Nishendra Roy, and 2) Dipon Roy, in connection with Bodarpur PS Case No. 308/2018 under Sections 147/326/307 IPOC.

Heard Mr. A.S. Tapadar, learned counsel for the petitioners as well as Mr. T.K. Mishra, learned

Additional Public Prosecutor for the state respondent.

Case diary produced has been perused including the statement of the injured.

The injured witness has not implicated the petitioners, rather he has named some other two persons who inflicted injuries on his person. That being so, in the absence of any such incriminating materials against the petitioners, their custodial interrogation is not considered essential. Therefore, both the petitioners are granted the privilege of pre-arrest bail.

The petitioners shall appear before the investigating police officer within 7 (seven) days from today, and, in the event of their arrest, they shall be released on furnishing a bail bond of Rs. **15,000/- each** with one suitable surety each of the like amount to the satisfaction of the arresting authority, on the following conditions:

- (1) The petitioners shall not leave the territorial jurisdiction of the aforesaid police station, without prior written permission from its officer-in-charge,
- (2) The petitioners shall not hamper with the investigation, or tamper with the evidence of the case, and
- (3) The petitioners 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.

The petition stands disposed of.  
Return the case diary.

**JUDGE**

**Comparing Assistant**