

GAHC010048612022



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

Case No. : Bail Appln./567/2022

LAKHIRAM TAMULI @ LAKHIRAM TAMULY
S/O SRI MOHENDRA TAMULI
R/O VILL- VILL- BOSA KUMAR GAON, P.S. AND DIST. GOLAGHAT, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE LD. PP, ASSAM

Advocate for the Petitioner : MR. J BARMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 31.03.2022

Heard Mr. J. Barman, learned senior counsel for the petitioner. Also heard Mr. B. Sarma, learned Addl. Public Prosecutor for the State/respondent.

By this petition under Section 439 Cr.P.C., the petitioner, namely, **Sri Lakhiram Tamuli @ Lakhiram Tamuly**, has prayed for grant of bail in connection with **Golaghat P.S. Case No. 801/2021** u/s **341/325/307/34** of the IPC corresponding to **Secessions Case No. 166/2021**.

The case diary, as called for, is placed before this Court.

The accused petitioner is behind the bar since 21.08.2021, i.e. for 222 days.

The brief fact of the case is that on 15.08.2021 at about 9 PM, the FIR named accused person assaulted his brothers Sri Kumud Tamuli and Nogen Tamuli causing severe injuries for which they were under medical treatment.

On perusal of the case record, it is seen that the charges under Section 341/325/307 of the IPC were framed on 26.11.2021 by the learned Addl. Sessions Judge, Golaghat. Thereafter, not a single witness has so far examined.

A perusal of the case diary shows prima facie case against the accused petitioner. On the other hand, the injury report of Kumud Tamuli shows that he sustained head injury, which was simple in nature caused by blunt weapon and Nagen Tamuli received grievous injury.

Till date, the injured persons are also not examined in this case. There is a list of 12 (twelve) witnesses in the charge-sheet. Therefore, this Court is of the opinion that if the liberty of bail is granted to the accused petitioner at the present stage of trial of the case, the trial of the case may likely to be adversely affected due to the possibility of the accused petitioner hampering the course of trial by influencing the listed witnesses.

For the above stated reasons, the bail application stands rejected.

However, the accused petitioner is given the liberty to file fresh bail application before the learned Trial Court for consideration, if so advised and if such bail application is filed, the same shall be considered and disposed of at an appropriate stage of trial of the case.

This disposes of the bail application.

JUDGE

Comparing Assistant