

GAHC010118432025



undefined

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

**Case No. : Bail Appln./1844/2025**

MANOJ KUMAR BARUAH  
S/O LATE PANCHANAN BARUAH  
VILL- MOUTUPURI  
P.S. HOWLY  
DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM  
REP BY THE PP, ASSAM

**Advocate for the Petitioner** : MR. R ALI, MR H A AHMED

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

**BEFORE**  
**HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

**ORDER**

**30.06.2025**

1. Heard learned counsel Mr. R. Ali for the petitioner Manoj Kumar Baruah who has filed his application under section 483 of the BNSS, 2023 with prayer for bail as the petitioner is behind bars since 31.03.2024 in connection with Sessions

Case No. 145/2024 arising out of Howly P.S. Case No. 41/2024 under Sections 302/376 of the IPC.

2. Heard learned Additional Public Prosecutor Mr. P. S. Lahkar for the respondent State.

3. It is submitted on behalf of the petitioner that the petitioner has been behind bars for 15 months as he was arrested on 31.03.2024. Only 4 out of 22 enlisted witnesses have been examined so far. The culmination of trial appears to be remote as 22 witnesses are enlisted in this case.

4. Learned Additional Public Prosecutor has raised serious objection stating that the petitioner is not entitled to bail. He is booked under a heinous offence. He is facing trial for charges under Section 302/376 of the IPC.

5. It is submitted on behalf of the petitioner that although 4 witnesses have been examined, the informant was only partially cross-examined. The petitioner is entitled to bail as the grounds of arrest were not properly conveyed to the petitioner and his right to personal liberty has been curtailed. Annexures-7 and 8 are the notices under Section 50 of the Cr.PC and 50A of the Cr.PC which are cryptic information relating to the grounds of arrest.

6. Learned Additional Public Prosecutor has raised serious objection stating that the grounds of arrest were not properly conveyed to the petitioner. The petitioner who is alleged of a brutal and heinous offence was aware of the offence he has committed. The dead body of the victim was lying in the courtyard and foreign particles were found inserted in her private parts. The aggressive nature of the petitioner clearly indicates that his detention is required for a fair trial. The petitioner being at large will be a threat to the public and he will thereafter have no hesitation in threatening the witnesses and will be

emboldened by an order of bail.

7. It has been held by the Hon'ble Supreme Court in ***Kasireddy Upender Reddy Vs. The State of Andhra Pradesh and Ors***, vide Order dated 23.05.2025 in connection with Criminal Appeal No. 2808 of 2024 arising out of SLP Criminal Appeal No. 7746/2025 that:-

*“27. The object underlying the provision that the grounds of arrest should be communicated to the person arrested has been very succinctly explained in **Vihaan Kumar** (supra). On learning about the grounds for arrest, the person concerned will be in a position to make an application before the appropriate Court for bail, or move the High Court for a writ of habeas corpus. Further, the information will enable the arrested person to prepare his defence in time for the purposes of his trial. For these reasons, it has been provided by the Constitution that, the ground for the arrest must be communicated to the person arrested as soon as possible.”*

*28. For the purposes of Clause (1) of Article 22, it is not necessary for the authorities to furnish full details of the offence. However, the information should be sufficient to enable the arrested person to understand why he has been arrested. The grounds to be communicated to the arrested person should be somewhat similar to the charge framed by the Court for the trial of a case.”*

8. It is further submitted by the Learned Additional Public Prosecutor that the forwarding report clearly reveals the brutality of the offence. It is not plausible that the petitioner did not understand the grounds of arrest.

9. I have also perused the notice under Section 50 of the Cr.PC as well as the notice under Section 50A of the Cr.PC. The petitioner was informed about the case under which he was arrested and he was also informed that the offence is a non-bailable offence. The petitioner received the notice and he affixed his signature in English. The legal guardian of the petitioner has also received the notice under Section 50A of the Cr.PC. The forwarding report clearly reveals that in presence of witnesses, the

petitioner had assaulted the victim and inserted foreign articles on her private parts.

The victim was hacked to death by several blows with a dao on a land dispute.

10. I therefore find force in the argument of the Learned Additional Public Prosecutor. In the light of the decision of the Hon'ble Supreme Court in ***Kasireddy Upender Reddy Vs. The State of Andhra Pradesh and Ors***, petition with prayer for bail stands rejected.

11. It is pertinent to mention that the petitioner is aggressive by nature and the offence alleged was of a brutal nature under Section 302/376 IPC. It is also held that the grounds of arrest were properly conveyed to the petitioner and his family members. The trial would be adversely affected if the petitioner is enlarged on bail at this stage.

12. Considering all aspects, this Court is hesitant to grant bail to the petitioner at this stage of trial.

13. Petition stands rejected at this stage.

14. Send back the Case Diary.

**JUDGE**

**Comparing Assistant**