

GAHC010038192024



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

Case No. : Bail Appln./513/2024

MANJIT @ MONJIT ROY
S/O MUKUL ROY
R/O KOCHGAON, P.S. BISWANATH CHARIALI,
DIST. BISWANTH, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. DITUL DAS

Advocate for the Respondent : PP, ASSAM

**BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN**

ORDER

23.02.2024

Heard Mr. D. Das, learned counsel for the accused and also heard Ms. A. Begum, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under section 439 Cr.P.C. is preferred by accused, namely, Manjit

@ Monjit Roy, who has been languishing in jail hazot since 10.02.2024, in connection with Biswanath Chariali P.S. Case No.30/2024, under Section 325/354B IPC, for grant of bail.

3. It is to be noted here that the above noted case has been registered on the basis of an FIR lodged by one Smt. X (name withheld) on 10.02.2024. The essence of allegation made in the aforesaid FIR is that on that day, at about 7:00 a.m. in the morning, accused Manjit Roy entered into her house and assaulted her father and while she interfered the same, then he also assaulted her and torn her clothes.

4. Mr. Das, learned counsel for the accused, submits that the accused was arrested on 10.02.2024 and since then, he has been languishing in jail hazot. Mr. Das further submits that there is dispute between the informant and the accused and the informant has falsely implicated the accused with the offence alleged in the FIR and that the accused is also suffering from cardiac ailments and undergoing treatment and his condition is deteriorating and therefore, Mr. Das contended that he may be enlarged on bail by affording any condition.

5. On the other hand, Ms. A. Begum, learned Additional Public Prosecutor, Assam, submits that at this stage, only the case diary may be called for.

6. Having heard the submission of learned Advocates for both sides, I have carefully gone through the petition and the documents placed on record.

7. It appears that the accused was arrested on 10.02.2024 and forwarded to the jail hazot on 11.02.2024 and since then he has been languishing in jail hazot. Further, it appears that while causing arrest of the accused, the I.O. has not served the notice under Section 41A Cr.P.C. to the accused, as mandated by the Hon'ble Supreme Court in case of **Satender Kumar Antil Vs. Central Bureau of Investigation & Anr.** reported in **(2022) 10 SCC 51**. Further, it appears from the record that the accused is suffering from cardiac ailments.

8. Having considered above and also considering the nature and gravity of the offence, further custodial detention of the accused seems to be not warranted here in this

case and therefore, this Court is inclined to allow this petition. It is provided that on furnishing a bond of ₹ 50,000/- with one surety of the like amount to the satisfaction of the learned C.J.M., Biswanath Chariali, the accused, namely, Manjit @ Monjit Roy, be enlarged on bail.

9. In terms of above, this bail application stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant