

IN THE COURT OF ADDITIONAL SESSIONS JUDGE (FTC)
LAKHIMPUR, NORTH LAKHIMPUR

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1. Sri Utpal Saikia @ Harukan
2. Sri Bultan Borah

.....Accused

Vs.

State of Assam

.....Opposite party

Present: Syed Burhanur Rahman, A.J.S.
Addl. Sessions Judge (FTC)

Advocate for the accused : Mr. Pankaj Saikia
Advocate for the State : Mr. M. P. Hazarika
Date of hearing : 27.12.2022
Date of order : 27.12.2022

ORDER

1. Learned Addl. P.P is present.
2. Learned counsel on behalf of the accused Sri Utpal Saikia and Sri Bultan Borah have filed the instant petition U/s 438 Cr.P.C for granting the pre-arrest bail to the accused persons in connection with the Laluk P.S. Case No. 236/2022, corresponding to G.R Case No. 1351/2022, u/s 341/392/511/325 of IPC.
3. As per the allegation is that one Smti Alina Borah lodged an FIR on 10.12.2022 stating that on the same day at about 4 pm her husband Mr. Prashant Parashar was hit by the accused persons near

Aalooguti's house, while her husband was travelling from Harmotti to Merbil via Merbil Kathoni road. She also stated in her FIR that the accused persons tried to robe her husband's gold chain and tried to damage the car by hitting stone. As a result of the incident her husband was injured in his head. Accordingly the instant FIR was lodged against the accused person.

4. Learned counsel on behalf of the accused has submitted that they are nowhere involved in the allegation made against them. There was a minor altercations between both the parties on account of parking of a vehicle. However, an exaggerated and embellished ejahar was lodged against the accused persons. Therefore, the pre-arrest bail may be granted to both the petitioners.
5. I have perused the case diary available before this court. In the case diary, I have also seen a hand written medical report with official seal, regarding the injury received by the victim Prashant Parashar. From the injury report dated 21.12.2022, it is revealed that the victim has sustained a simple injury.
6. In view of the same, this court is of the considered opinion that custodial interrogation may not be required in the instant case and accordingly both the accused persons may be granted the benefit of pre-arrest bail

7. Accordingly, the bail petition is allowed and the accused Sri Utpal Saikia @ Harukan and Sri Bultan Borah are allowed to go on pre-arrest bail of Rs. 20,000/- (Rupees Twenty Thousand) only with one suitable surety each, of the like amount to the satisfaction of the concerned Investigating Authority. However, the following bail conditions are imposed:
- i. The accused will not abscond and will regularly appear before the trial court.
 - ii. The accused will not temper with evidence, will not intimidate and/or influence witnesses/ victim.
 - iii. The accused is to furnish photocopy of Voter Card/ Aadhaar Card or any other tangible government document portraying his photograph and address.
 - iv. Violation of the bail condition will make bail liable to be cancelled.
8. **Disposed of.**
9. Case record/ Case diary may be returned back.

Given under my hand and seal of this Court on this the 27th day of December/ 2022.

(Syed Burhanur Rahman)
Addl. Sessions Judge,(FTC)
Lakhimpur, North Lakhimpur

Certified that the order is typed
to my dictation and corrected by
me and each page bears my signature.

(Syed Burhanur Rahman)
Addl. Sessions Judge (FTC)
Lakhimpur, North Lakhimpur