

GAHC010128032020



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

Case No. : I.A.(CrI.)/457/2020

SRI NIRMAL PAUL AND ANR
S/O LATE NARAYAN PAUL @ NITAI PAUL

2: SANJU PAUL
S/O LATE NARAYAN PAUL
BOTH ARE THE R/O VILL. GOBARDHAN
GHORAMARA JANPAM
P.S. PRAGJYOTISHPUR
DIST. KAMRUP

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY P.P., ASSAM

2:AJOY PAUL
S/O LATE SUBAL PAUL
THE R/O VILL. GOBARDHAN
GHORAMARA JANPAM
P.O. CHANDRAPUR
P.S. PRAGJYOTISHPUR
GUWAHATI 781105
DIST. KAMRUP M
ASSA

Advocate for the Petitioner : MR N AHMED

Advocate for the Respondent : PP, ASSAM

Linked Case : CrI.A./78/2016

SRI HARE KRISHNA PAUL
S/O LATE NITAI PAUL
R/O GOBARDHAN GHORAMARA
JANPAM
CHANDRAPUR
PIN 781150
UNDER PRAGJYOTISHPUR P.S. IN THE DIST. OF KAMRUP M
ASSAM.

VERSUS

THE STATE OF ASSAM and ANR

2:AJAY PAUL

S/O LATE SUBAL PAUL
R/O GOBARDHAN GHORAMARA
JANPAM CHANDRAPUR
PIN 781150
UNDER PRAGJYOTISHPUR POLICE STATION IN THE DIST. OF KAMRUP M
ASSAM.

Advocate for : MRS I AHMED
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM and ANR

Linked Case : CrI.A./50/2017

SRI BIPUL PAUL
S/O SRI ATUP PAUL
R/O VILL. GOBARDHAN
GHORAMARA
JANPAM
P.S. PRAGJYOTISHPUR
DIST. KAMRUP M
ASSAM.

VERSUS

THE STATE OF ASSAM and ANR

2:AJAY PAUL
S/O LATE SUBAL PAUL
R/O VILL. GHORAMARA JAMPAN
P.S. PRAGJYOTISHPUR
DISPUR
DIST. KAMRUP M
ASSAM.

Advocate for : MRK NAYAK
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM and ANR

Linked Case : CrI.A./50/2016

SRI NIRMAL PAUL and ANR
S/O LATE NARAYAN PAUL @ NITAI PAUL

2: SANJU PAUL
S/O LATE NARAYAN PAUL
BOTH ARE THE R/O VILL. GOBARDHAN
GHORAMARA JANPAM
P.S. PRAGJYOTISHPUR
DIST. KAMRUP M
VERSUS

THE STATE OF ASSAM and ANR

2:AJAY PAUL
S/O LATE SUBAL PAUL
THE R/O VILL. GOBARDHAN
GHORAMARA JANPAM
P.O. CHANDRAPUR
P.S. PRAGJYOTISHPUR
GUWAHATI 781105
DIST. KAMRUP M
ASSAM

Advocate for : MR.B I KHAN
Advocate for : MR.A D CHOUDHURY R-2 appearing for THE STATE OF ASSAM
and ANR

Linked Case : CrI.A./94/2016

SRI SIBA PAUL @ SIBU PAUL and 2 ORS
S/O SRI PRATAP PAUL

2: PRATAP PAUL
S/O LATE ARJUN PAUL

3: PARIMAL PAUL
S/O SRI PRATAP PAUL
ALL ARE R/O VILL. GOBARDHAN
GHORAMARA JANPAM
P.S. PRAGJYOTISHPUR
DIST. KAMRUPM
ASSAM.
VERSUS

THE STATE OF ASSAM and ANR

2:AJAY PAUL

S/O LATE SUBAL PAUL
R/O VILL. GOBARDHAN
GHORAMARA JANPAM
P.S. PRAGJYOTISHPUR
DIST. KAMRUP M
ASSAM.

Advocate for : MR.S C BISWAS

Advocate for : MR.R SARMAR-2 appearing for THE STATE OF ASSAM and ANR

BEFORE
HONOURABLE MR. JUSTICE N. KOTISWAR SINGH
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 04.02.2021

(N. Kotiswar Singh, J)

Heard Mr. N. Ahmed, Mr. S. I. Ahmed and Mr. F. A. Hassan, learned counsels appearing for the applicants.

Also heard Mr. M. Phukan, learned Additional Public Prosecutor for the State.

This is a second bail application filed by the applicants, earlier having been rejected on

25.10.2016, wherein this Court made an observation that the eye-witnesses have categorically testified that applicants had actively participated in the commission of gruesome crime and their evidence is also substantially corroborated by the Post-Mortem Examination Reports.

The learned counsel for the applicants submits that the said application was rejected at an early stage on 25.10.2016 wherein the entire records were not at a disposal of the Court. Now, the LCR have been requisitioned and upon perusal of the record it will be evident that, in fact, no specific act has been assigned to Sanju Paul by any of the witnesses and as such at this stage for the purpose of grant of bail, certain benefit may be given to appellant Sanju Paul.

In view of the observation made by the Court earlier on 25.10.2016, it will be necessary to go through the depositions specially of the eye-witnesses as to whether any of the eye witnesses had testified that the applicant, Sanju Paul had actively participated in the commission of gruesome crime as observed by this Court earlier, which the learned counsel for the applicant submits to the contrary.

We also have noted that this is a matter pertaining to conviction rendered on 11.01.2016 and 19.01.2016 and as such, otherwise also, these appeals deserve expeditious disposal because of long pendency.

Accordingly, the Registry will immediately start preparing the paper book in respect of these appeals and in the meantime give priority in preparing and in translating the depositions of witnesses in English which will be considered by this Court for the purpose of consideration of this application for bail on 09.03.2021, if the preparation of paper book is not completed by that time.

The translated paper books or the translated copies of the deposition may be furnished to the counsel for the parties on payment of requisite fees, wherever required.

JUDGE

JUDGE

Comparing Assistant