

Crl. Misc. (B) Case No. 507/2020

ORDER

29-09-2020

CD of Joypur PS Case No. 43/2020 under Sections 143/302 IPC received in connection with anticipatory bail prayer of accused petitioners Sri Dulu Gogoi and Sri Punakan Sonowal @ Biten Kotia.

The allegation as per the FIR dtd. 30-09-2020 of Smt. Renu Sonowal is that on 29-06-2020, at about 10:30 pm, her son Tarun Sonowal was sleeping in his house and at that time, Moina Gogoi, Dulu Gogoi along with Nihpani Sonowal, Biten Katia, Hussain Gohain, Smt. Joya Gogoi, Karan Mili and Bijay assaulted Tarun Sonowal with dao, axe and stick, causing grievous injuries for which Tarun Sonowal was taken to Assam Medical College & Hospital at Dibrugarh for treatment, but he succumbed to his injuries. The accused Hussain Gohain has been named in the FIR along with other persons.

Learned Advocate for the accused submitted that the deceased Tarun Sonowal was a trouble monger and the village people have earlier filed a case against him.

Copy of the FIR of Joypur PS Case No. 9/2018 under Sections 326/307 IPC is enclosed and the said FIR was registered against Tarun Sonowal (since deceased) on the basis of FIR of Sri Jiten Sonowal and chargesheeted. The copy of the Charge-Sheet is also enclosed. The Charge-Sheet is for offence under Sections 341/323/307 IPC. A copy of the public complaint against Tarun Sonowal (since deceased) was submitted before the DC, Dibrugarh and copy of the same is enclosed with the bail petition. That complaint relates to the incidents of 30-07-2018. There is another such public allegation against Tarun Sonowal for the incident of 29-06-2020. A copy of the same is enclosed with the bail petition.

CD reveals that Tarun Sonowal was involved with another case and was absconding from police arrest according to witnesses examined.

Learned Advocate Mr. S Seal for the accused petitioners submitted that there were altogether 12 cases against the deceased including for offence under Section 302 IPC. In the complaint before the DC against the deceased, the

mother of the deceased was one of the complainants. A public application was also made before the OC, Joypur Police Station regarding the killing of Tarun Sonowal by some unknown miscreants and the accused persons have been falsely implicated in this case.

A copy of that public application is enclosed with the bail petition.

Learned Advocate further submitted that due to the Covid satiation, the documents pertaining to 12 cases against the deceased Tarun Sonowal could not be collected. Vide order dtd. 10-08-2020, in CrI. Misc. (B) Case No. 428/2020, bail prayer of the accused Sri Sanjib Gogoi, Sri Dilip Sonowal and Sri Hussain Gohain was allowed after perusal of the CD.

In the FIR, the names of the accused petitioners Sri Dulu Gogoi and Sri Punakan Sonowal @ Biten Kotia are named along with other accused persons in assaulting the informant's son Tarun Sonowal, who succumbed to his injuries during treatment. The accused petitioners are named in the FIR and being so, going by the fact and circumstances of this case, the accused petitioners cannot be granted the privilege of anticipatory bail. Hence, rejected.

Return the CD along with a cop of this order.

Misc. case stands disposed off.

Let a copy of this order be released as certified to be true copy under the signature of the Bench Assistant.

Sessions Judge,
Dibrugarh