

GAHC040011832023



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

Case No. : BA/84/2023

Kailyan Buragohain
S/o Jugeswar Buragohain,
Permanent Resident of Village Koliapani Sapor Gohain Gaon, PO Koliapani, PS
Teok, District Jorhat, Assam for and on behalf of the accused Shri Lokhinondan
Buragohain.
Mob. No 8723019816

VERSUS

THE STATE OF AP
Represented through Public Prosecutor.

Advocate for the Petitioner : Arup Bhattacharjee

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 21.09.2023

Heard Mr. A. Bhattacharjee, learned counsel for the accused/petitioner.
Also heard Mr. T. Ete, learned Additional Public Prosecutor for the State of
Arunachal Pradesh.

This is an application made under **Section 439 Cr.P.C.**, seeking bail on

behalf of the alleged accused, namely, **Lokhinondan Buragohain**, in connection with **Aalo P.S. Case No. 31/2023**, registered under Section **409/34 IPC**.

It has been submitted by the learned counsel for the accused/petitioner that the accused has been detained in custody for the last 72 days and the alleged money which has been credited to his bank account is the subject matter of the case. It is further submitted that the accused is now ready to return the said money which has been credited to his bank account by the main accused Jagdish Doley. Under such backdrop, accused may be enlarged on bail.

In response, the learned Additional Public Prosecutor has submitted that as per case diary, the investigating officer has collected sufficient incriminating materials against the accused. However, considering the period of detention and as the accused is now ready to pay alleged money, he has no objection if bail is granted to the accused.

I have considered the submissions made by the learned counsel for the parties and I have also perused the case diary. It appears from the case diary that the main accused i.e. Jagdish Doley has not yet been arrested. The learned Sessions Judge, Aalo, West Stang District has already granted bail to one co-accused Hirok Jyoti Pegu with a condition that he will return the money which has been deposited to his bank account. Considering the period of detention and also the fact that the accused is ready to return the alleged money which was credited to his bank account, bail prayer of the accused is allowed.

Accordingly, the accused, named above, shall be released on bail in connection with **Aalo P.S. Case No. 31/2023**, registered under Section

409/34 IPC, on furnishing bail bond of **Rs.50,000/-** with **two suitable sureties** of the like amount out of which one of the sureties should be a Government employee, to the satisfaction of learned CJM-cum-Civil Judge(Senior Division), West Siang District, Aalo, Arunachal Pradesh.

The direction for bail is further subject to the conditions that the alleged accused-

(a) shall not leave the territorial jurisdiction of learned CJM-cum-Civil Judge(Senior Division), West Siang District, Aalo, Arunachal Pradesh without prior written permission from him/her;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and

(d) shall appear before the Investigating Police Officer once in a week for six weeks after his release on bail as and when called upon by the Investigating Police Officer till the investigation of the case is completed.

That being so, if the accused violates any of the above condition(s) in future, the learned Additional Public Prosecutor shall apprise this Court to cancel the bail order.

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

Return the case diary.

JUDGE

Comparing Assistant