

GAHC010000402023



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

Case No. : Bail Appln./40/2023

BIJAY SINGH
S/O KALICHARAN SINGH,
R/O SUKANJAN, WARD NO. 6,
P.O. AND P.S.- BOKAJAN,
DIST.- KARBIANGLONG, ASSAM, PIN- 782480.

VERSUS

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

Advocate for the Petitioner : ALHAJJ I UDDIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 23-01-2023

Heard Mr. R. Hoque, learned counsel for the petitioner.
Also heard Mr. K.K. Das, learned Additional Public Prosecutor for the State of Assam.

By this application under section 439 Cr.P.C., the petitioner namely, Bijay Singh,

is praying for bail, in connection with Barpathar P.S. Case No. 27/2022, under sections 120(B)/420/468/34 of I.P.C. as the petitioner is languishing in jail since 11.12.2022.

It is submitted by the learned counsel for the petitioner that the accused petitioner is innocent and no way connected with the alleged offence. Present petitioner is a Businessman and is also a leading member of west Karbianglong Shopkeepers Associations. Police intercepted four numbers of trucks in connection with the aforementioned case and subsequently, seven persons were enlarged on bail but the present accused petitioner is behind the bar since 11.12.2020 and the I.O has got sufficient time to interrogate with the present accused petitioner. It is further submitted by the learned counsel for the petitioner that, the accused/petitioner belongs to a respected family and has sufficient landed properties also. So, there is no question of absconding, if he is released on bail. Rather, he will co-operate with the further investigation of the case.

In this context learned APP has raised serious objection and has submitted that there are sufficient incriminating materials against the accused petitioner though he is not directly involved in transporting urea fertilizer but as a middle man he allows the trucks to go and thus, his involvement is found in this case. The statement of the co-accused persons implicated him in the present case. More so, in the bail objection filed by the I.O where it is stated by the I.O that the present accused-petitioner associated with the offence and if he is released on bail there is probability of hampering and tempering with the evidence. Therefore for the sake of proper investigation of the case, his further custodial interrogation is required.

After considering the submission of learned counsels for both sides, I have also

perused the case diary and it reveals that I.O has collected some materials against the present accused petitioner. However, considering the length of detention of the accused petitioner further custodial interrogation is not necessary as the I.O has got sufficient time to interrogate the accused petitioner.

Accordingly, bail prayer of the accused petitioners is allowed.

The accused petitioner namely, Bijay Singh is enlarged on bail on furnishing a bail bond of Rs.20,000/- (Rupees Twenty Thousand) with one suitable surety of like amount, to the satisfaction of the learned S.D.J.M Bokajan, in connection with Barpathar P.S. Case No. 27/2022, under sections 120(B)/420/468/34 of I.P.C.

The bail is granted on the following conditions;

- 1.that the petitioner will refrain from such activities to which he is alleged.
2. that the petitioner will appear before the I.O as and when called for.
3. that the petitioner shall not leave the territorial jurisdiction of jurisdictional Court without prior permission.
4. the petitioner shall not hamper and temper with any evidence associated with the further investigation of the case.

With the above observations, the bail application stands disposed of.

JUDGE

Comparing Assistant