

GAHC010013272023



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

Case No. : Bail Appln./255/2023

RAJIB DOLEY@BIKASH DOLEY
S/O- LT. KARMESWAR DOLEY, R/O- VILL- JAMUGURI, P.O. AND P.S.
BIHPURIA, DIST.- LAKHIMPUR, NORTH LAKHIMPUR, ASSAM

VERSUS

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

Advocate for the Petitioner : MR B BURAGOHAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 25.01.2023

Heard Mr. J.P. Kachari, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned APP appearing for the State.

The petitioner, who was arrested on 27.11.2022, is seeking regular bail

under section 439 Cr.P.C. in connection with Narayanpur P.S. Case No. 50/2022, under sections 457/380/427 IPC.

The learned APP has produced the case diary and has opposed the prayer for bail on the ground that the petitioner is accused of vandalizing SBI ATM by cutting the said machine and has looted Rs.13,64,000/- (Rupees thirteen lakh sixty four thousand).

It is submitted that the petitioner is in custody for last 58 days and till date, no charge-sheet has been filed. Moreover, default period of bail is 60 days.

Considering the length of detention, the Court is of the considered opinion that further custodial interrogation of the petitioner may not be necessary. Hence, the Court is inclined to grant bail to the petitioner, namely, Rajib Doley @ Bikash Doley in connection with the aforesaid case on furnishing bail bond of Rs.1,00,000/- with two solvent sureties of like amount to the satisfaction of the learned Chief Judicial Magistrate, Lakhimpur. Out of the two sureties, one should offer his immovable property as security for grant of bail, having sufficient value to cover the bail amount.

Bail is granted on the following conditions:

1. The petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.
2. The petitioner 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 Court or to any

police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.

3. The petitioner shall not obstruct the smooth progress of the investigation/trial.
4. The petitioner shall not misuse his liberty in any manner.
5. The petitioner shall appear before the I/O within 15 (fifteen) days from the date of his release and he shall continue to appear once in every 15 (fifteen) days till his appearance is dispensed with or charge-sheet is filed, whichever is earlier.
6. In the event of failure of the petitioner to appear before the I/O as directed, the bail granted to the petitioner would be deemed to have been lapsed and it would be open to the I/O to arrest the petitioner.
7. The petitioner shall not leave the jurisdiction of the Narayanpur P.S. without prior intimation to the I/O.

This application stands disposed of.

JUDGE

Comparing Assistant