

GAHC010013312023



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

Case No. : Bail Appln./247/2023

HARICHARAN DEVDAS @ MANASH
S/O LATE LAKHINATH DAS
R/O SANATAN GAON
P.O. BAHADURCHUK, P.S. NORTH LAKHIMPUR, DIST. NORTH LAKHIMPUR,
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 25-01-2023

Heard Mr. H. Das, learned counsel for the accused-petitioner and Mr. B. Sharma, learned Additional Public Prosecutor for the respondent State of Assam.

2. By this application under Section 439, Code of Criminal Procedure,

1973, the accused-petitioner viz. Sri Haricharan Devdas @ Manash has prayed for his release on bail in connection with North Lakhimpur Police Station Case no. 619/2022, registered for offences under Section 392, Indian Penal Code. The accused-petitioner was arrested and produced before the Court of learned Chief Judicial Magistrate, North Lakhimpur on 25.11.2022 and on being so produced, he was remanded to custody. Since 25.11.2022, the accused-petitioner is in custody for 61 days.

3. As per the First Information Report [FIR] lodged on 24.11.2022, commission of robbery had taken place at around 11-30 a.m. on 24.11.2022, meaning thereby, an accused if convicted for the said offence, is liable to be punished with rigorous imprisonment for a term which may extend up to 10 [ten] years.

4. Mr. Das, learned counsel for the accused-petitioner has submitted that the accused-petitioner is in custody for 61 days since 25.11.2022 and the investigation of the case has not been completed resulting into a charge sheet/final report.

5. Mr. Sharma, learned Additional Public Prosecutor has also submitted that the charge sheet has not been submitted till date.

6. As on date, the accused-petitioner is in custody for 61 days whereas the investigation of North Lakhimpur Police Station Case no. 619/2022 has not yet been completed resulting into a charge sheet.

7. In such facts and circumstances obtaining in the case, the accused-petitioner is entitled to bail as per the provisions contained in Section 167[2], CrPC.

8. Accordingly, the accused-petitioner is allowed to be enlarged on bail on

furnishing a bail bond of Rs. 50,000/- with one surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, North Lakhimpur, subject to the following conditions :-

[1] The accused-petitioner shall cooperate with the investigation and shall make himself available as and when his presence is required by the I.O. in the investigation of the case;

[2] The accused-petitioner shall not, directly or indirectly, make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

[3] The accused-petitioner shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

[4] The accused-petitioner shall maintain law and order and they shall not commit an offence similar to the offence of which he is accused, or of the commission of which he is suspected; and

[5] The accused-petitioner shall regularly remain present during the trial and co-operate the Court to complete the trial for the above offences, if charge sheeted in the case.

This application stands disposed of in the afore-mentioned terms.

JUDGE

Comparing Assistant