

GAHC010016282023



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

Case No. : Bail Appln./295/2023

HEGUILUNGBE HEZANME @ GUILUNGBE ZANME AND ANR
S/O IWANGBE ZANME
R/O VILL- NREULOA
P.O.HAFLONG, P.S. HAFLONG
DIST. DIMA HASAO, ASSAM
PIN-788819

2: SRI KEBALUNGBE NEWME @ KIBALUNGBE NEWME
S/O SRI HAIHUNGBE NEWME
R/O CHOLU HAFLOG P.O. HAFLONG
P.S. DIST. DIMA HASAO
ASSAM-78881

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N K MURRY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 15.02.2023

Heard Mr. N.K. Murry, learned counsel for the petitioners. Also heard Mr. Bhaskar Sarma, learned APP appearing for the State.

2. The petitioners, who were arrested on 23.12.2022, are seeking regular bail under section 439 Cr.P.C. in connection with Haflong P.S. Case No. 119/2022, under sections 379 IPC, read with section 3 of the Prevention of Damage to Public Property Act.

3. The learned APP has prayed for some time to produce the case diary and has also opposed the prayer for bail.

4. On perusal documents annexed to this application, it appears that 8 nos. (approx 50.00 R.M.) of 150 mm dia G.I. Pipe was stolen by the petitioners and recovery was also made from the petitioners.

5. Be that as it may, as the petitioners have suffered custody of 54 days as on date, the Court is of the considered opinion that further custodial interrogation of the petitioners may not be necessary. Hence, the Court is inclined to grant bail to the petitioners, namely, (1) Heguilungbe Hezanme @ Guilungbe Zanme, and (2) Kebalungbe Newme @ Kibalungbe Newme in connection with the aforesaid case on furnishing bail bond of Rs.50,000/- each with one solvent surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Dima Hasao, Haflong.

6. Bail is granted on the following conditions:

- I. The petitioners shall make themselves available to the police or any other investigating agency or Court in the present case as and when required.
- II. The petitioners 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. They shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.

III. The petitioners shall not obstruct the smooth progress of the investigation/trial.

IV. The petitioners shall not misuse their liberty in any manner.

V. The petitioners shall appear before the I/O within 10 (ten) days from the date of their release and they shall continue to appear once in every month till their appearance is dispensed with or charge-sheet is filed, whichever is earlier.

7. If the petitioners are found involved in any similar offence, it would be open for the I/O to move the jurisdictional Court and apply for cancellation of bail.

8. This application stands disposed of.

JUDGE

Comparing Assistant