

GAHC010035522023



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

Case No. : Bail Appln./603/2023

ASHOK BARMAN
S/O- LT. ASWANI BARMAN, R/O- SURJYAKHATA PART-I, P.S. BILASIPARA,
DISTRICT- DHUBRI, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM

Advocate for the Petitioner : MR D KALITA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 13-03-2023

Heard Mr. D. Kalita, learned counsel for the petitioner.

Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor for the State of Assam.

By this application under section 439 Cr.P.C., the petitioner namely, Ashok Barman, is praying for bail, in connection with Bagribari P.S. Case No. 06/2023,

under sections 406/420/34 of I.P.C. as the petitioner is languishing in jail hazot since 24.01.2023.

Case diary received, perused the same.

It is submitted by the learned counsel for the petitioner that the petitioner is innocent and no way connected with the offence as alleged in the F.I.R. The petitioner has a Jewellery Shop and used to purchase gold from the informant and the petitioner has business transactions with the informant for last 10 years. On the day of the occurrence, the petitioner purchased gold from the informant but at that moment, some miscreants came and had snatched away the gold from the informant but the present petitioner has no involvement in the incident. Moreso, the accused petitioner is behind the bar for last 49 days and the I.O has got sufficient time for custodial interrogation and considering his length of detention, it is prayed on behalf of the petitioner that the petitioner may be enlarged on bail.

In this context the learned APP has submitted that from the witnesses and the statement of the informant, it reveals that the accused petitioner has not paid any money for the gold which he has taken from the informant. However, from the materials in the case diary, it reveals that there was business transactions between them and the accused petitioner is also a business man and having a Jewellery shop. Further, it is submitted by the learned APP that there is some materials in the case diary, however the length of detention of the petitioner may be considered in this case.

After hearing the submission of both sides, I have also perused the case diary. It is fact the accused petitioner is in custody for 49 days and I.O has got sufficient opportunity to interrogate the accused petitioner during the custodial period of time. Considering all aspects of the matter, as well as the length of

detention, I find it proper to allow the accused petitioner to go on bail.

Accordingly, the accused petitioner namely, Ashok Barman is enlarged on bail on furnishing a bail bond of Rs.20,000/- (Rupees Twenty Thousand) only with one suitable surety of like amount, to the satisfaction of the C.J.M Kokrajhar, in connection with Bagribari P.S. Case No. 06/2023, under sections 406/420/34 of I.P.C.

The bail is granted on the following conditions:

1. That 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. that 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, influence, or intimidate the prosecution witness;
3. that the petitioner shall not misuse his liberty in any manner.

Send back the case diary.

The bail application stands disposed of accordingly.

JUDGE

Comparing Assistant