

GAHC010042492023



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

Case No. : Bail Appln./693/2023

RISHI RAJKHOWA
S/O- BIPUL RAJKHOWA, R/O- BHALBHALIA GAON, P.S. KAMPUR, PIN-
782426, DIST.- NAGAON, ASSAM

VERSUS

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

Advocate for the Petitioner : MR T H HAZARIKA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 17-03-2023

Heard Mr. M. Chetia, learned counsel for the applicant. Also heard Mr. K. K. Das, learned Additional Public Prosecutor representing the State respondent.

This application is filed under Section 439 of the Criminal Procedure Code, 1973, praying for granting regular bail to the accused/applicant in connection with Dispur Police Station Case No.136/2023, registered under Sections 406/420 of the Indian Penal Code.

Case Diary has been received and I have perused the same.

Mr. M. Chetia, learned counsel for the applicant has submitted that the accused/applicant is a businessman by profession who provides vehicle service to the customers on daily rental basis. Likewise, the vehicle of the informant was also taken by the accused/applicant on rental basis and was paying the rent regularly, but lately, for some reasons, there was certain delay in paying the rent for which certain misunderstanding arose between them. Accordingly, the accused/applicant is an innocent person and he is not at all involved in the offence as alleged by the informant lodged in the FIR against the accused/applicant alleging some false allegations.

The learned counsel for the applicant also submitted that after the arrest of the accused/applicant, total 8 (eight) vehicles out of 9(nine) vehicles mentioned in the FIR have been recovered and seized by the Police, only the vehicle No.AS-01-DU-2528 (Maruti Suzuki Swift Dzire) has not yet been recovered till date. Further, the accused/applicant is behind the bar since 54

days. Thus, on the ground of length of detention, his custodial interrogation is not required here in this case. Further, the learned counsel for the applicant has prayed for regular bail, if so granted, he is ready to co-operate with the investigation of the same.

In this context, Mr. K. K. Das, learned Additional Public Prosecutor has submitted that one vehicle is not yet been recovered, though the remaining 8(eight) vehicles has already been recovered. Further, the IO of this case has collected sufficient incriminating materials against the present accused/applicant. However, the learned Additional Public Prosecutor has raised no objection in the prayer made by the accused/applicant, if it is considered on the ground of length of detention.

After hearing the submissions made by the learned Advocates of both sides as well as perusing the Case Diary and also considering the length of detention already undergone by the accused/applicant, i.e. 54 days, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioner in the custody and accordingly, further custodial interrogation of the accused/petitioner seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), Guwahati, the accused/applicant, namely, Sri Rishi Rajkhowa, be enlarged on bail, subject to the following conditions:

- (i) that the applicant shall make himself available for interrogation by the Investigating Officer as and when required;

- (ii) that the applicant 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 the Court or to any police officer; and
- (iii) that the applicant shall not leave the jurisdiction of the learned learned Chief Judicial Magistrate, Kamrup(M), Guwahati, without prior permission.

In terms of above, this bail application stands disposed of.

Sent back the case Diary.

JUDGE

Comparing Assistant