

GAHC010043902023



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

**Case No. : Bail Appln./799/2023**

NARAYAN DAS @ ABDULLA  
S/O LATE RAMESH CH. DAS  
R/O DATALPARA  
P.O. AND P.S. FATASHIL AMBARI  
DIST. KAMRUP (METRO),  
PIN-781025, ASSAM

VERSUS

THE STATE OF ASSAM  
REP. HEREIN BY ITS PP, ASSAM

**Advocate for the Petitioner : MR G CHAMUAH**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MRS. JUSTICE MITALI THAKURIA**

**ORDER**

**Date : 14.03.2023**

Heard Mr. G. Chamuah, learned counsel for the accused/petitioner. Also heard Ms. N. Das, learned Additional Public Prosecutor for the State of Assam.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner, who has been languishing in jail hazot in connection with Gorchuk P.S. Case No. 206/2022, under Sections 420/381 of the Indian Penal Code, corresponding to G.R. No. 5619/2022, pending before the Court of learned Chief Judicial Magistrate, Kamrup (M), Guwahati.

It is submitted by the learned counsel for the petitioner, Mr. G. Chamuah, that the accused/petitioner is innocent and he is no way involved in the commission of theft of the shipment as alleged in the F.I.R. It is a fact that he purchased the mobile handset from the F.I.R. named accused person, namely, Mr. Ashief Iqbal Latif, on good faith and after his purchase of mobile handset, said Ashief Iqbal Latif was supposed to deliver him the papers in connection with the mobile. He was shown arrest in connection with this case on 25.01.2023 and he was on police remand for 4-5 days and thereafter since 31.01.2023, he is in judicial custody. Further, he was in judicial custody in connection with Gorchuk P.S. Case No. 345/2022, under Section 21 (b) of the NDPS Act, and vide order dated 27.01.2023, he was granted bail by the Court of learned Special Judge, Kamrup (M), Guwahati. Though the accused/petitioner was shown arrest in connection with this case on 25.01.2023, he is behind the bar for last 97 days and hence, considering his length of detention and also considering the recovery of mobile handset, it is submitted that the accused/petitioner may be enlarged on bail.

In this context, the learned Additional Public Prosecutor, Ms. N. Das, has

submitted that as per the statement of the accused/petitioner, he purchased the mobile handset from one Mr. Ashief Iqbal Latif, who is the F.I.R. named accused person in this case, on *bona fide* intention. Further, the investigation is still in progress, but considering the length of detention undergone by the accused/petitioner, his bail prayer may be considered.

Considering the submissions of learned counsel for both sides and also considering the length of detention already undergone by the accused/petitioner, i.e. 97 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, namely, Shri Narayan Das @ Abdulla, be enlarged on bail, subject to the following conditions:

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

the Court or to any police officer; and

- (iii) that the petitioner shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, without prior permission.

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

**JUDGE**

**Comparing Assistant**