

GAHC010050132023



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

Case No. : Bail Appln./906/2023

CHIRANJIT MALAKAR @ TIKLU
S/O LT. CHINU MALAKAR
HAILAKANDI TOWN, WARD NO. V (SATALA BARI ROAD,), P.O., P.S. AND
DIST. HAILAKANDI, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M BARBHUIYA

Advocate for the Respondent : PP, ASSAM

B E F O R E
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

30.03.2023

1. Heard Mr. A.M. Barbhuiya, learned counsel appearing for the petitioner as well as Mr. B. B. Gogoi, learned Addl. P.P. appearing for the State respondent.

2. This application under Section 439 Cr.P.C, is preferred by the petitioner, namely, Chiranjit Malakar @ Tiklu, who is in judicial custody since 24.02.2023 in connection with Lala P.S. Case No. 737/2021, (corresponding to G.R. Case No. 2968/2021) registered under Sections 394/395 IPC,

3. I have considered the submissions at the Bar and I have also perused the LCR.

4. The I/O has forwarded a bail objection to the prosecution submitting that the petitioner was the mastermind behind the entire dacoity and his enlargement of bail will adversely affect the investigation. Two of his associates are yet to be arrested and they are still evading arrest and supplementary charge-sheet is to be laid.

5. The FIR unfolds that on 10.11.2021, at about 9.15 P.M., the petitioner along with his co-driver were proceeding with raw betel nuts in the truck bearing registration no. AS-11 DC/8066, from Bhanga Bazar towards Aizwal. When they reached Kunkun Basti under Lala P.S., suddenly 10/15 miscreants waylaid and threatened them. They have entered into the front side of the cabin and thereby robbed the tool box and snatched away of Rs. 10 lacs from the tool box and they also assaulted the informant and his companion.

6. Charge-sheet was laid against the co-accused and the petitioner showing the petitioner as absconder. Supplementary is yet to be laid against the petitioner. When the petitioner learnt about this case, he surrendered before the trial Court. It is submitted that the trial Court had forwarded him to custody vide order dated 24.02.2023 marked as Annexure-11.

7. Learned Addl. P.P. has raised objections stating that the petitioner is booked under a serious offence of dacoity. The investigation may be adversely affected if the petitioner is enlarged on bail and two of the absconding accused are yet to be arrested.

8. I have perused the scanned copies of the LCR and I have also considered the prayer of parity. The other co-accused persons are already enlarged on bail. Annexures-3 to 10 are the bail orders of Co-ordinate Benches of this court granting bail to the co-accused of the petitioner. The petitioner has been in jail for 34 days and he has been interrogated by the Investigating Agency.

9. Considering all aspects and in view of my foregoing discussions, petition is allowed.

10. The petitioner is to be enlarged on bail of Rs. 50,000/- with a suitable surety of like amount to the satisfaction of learned CJM, Hailakandi,

under the conditions that:-

- (i) the petitioner will refrain from such activities with which he is alleged.
- (ii) the petitioner will not tamper with the evidence and the petitioner will not leave the jurisdiction of the Court without prior permission till completion of investigation.

The bail application stands disposed of.

Send back the LCR.

JUDGE

Comparing Assistant