

GAHC010074512023



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

Case No. : Bail Appln./1258/2023

DEEPJYOTI NATH
S/O LATE BALEN CH. NATH
R/O VILL- CHANGSARI NATH CHUBURI,
P.S. CHANGSARI
DIST. KAMRUP (R), ASSAM
PIN-781030

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A SAIKIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

02-05-2023

Heard Mr. N.K. Das, learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam.

This bail application is filed by the petitioner, namely, Deepjyoti Nath, who is seeking bail in connection with the Changsari P.S. Case No.462/2022 registered under Sections 365/392 of the IPC.

The petitioner was arrested on 03.02.2023 and since then, he has been in custody.

It is submitted that an FIR dated 05.12.2022 was lodged by the informant one Chapal Kumar Nath alleging that a member of the '*Sankar Jyoti Truck Owner's Association*', who is In-charge of the financial transactions - Sri Ranjit Nath on his way to make payment of rent for the vehicles to all the vehicle owners was waylaid on the way by a group of persons. Said person Ranjit Nath thereafter was taken in a different vehicle along with an amount of Rs.31 Lakhs by the group of persons and subsequently, he was dropped off near the SP Office, Amingaon and the amount of Rs.31 Lakhs was taken away. During the course of the investigation the petitioner was arrested. It is submitted that the petitioner is not at all connected with the offences alleged. He was arrested merely on suspicion.

Learned Addl. Public Prosecutor, Assam submits on instructions that the charge-sheet in the matter has not been filed.

This Court on earlier occasions had called for the case diary and today the same has been produced by the learned Addl. P.P.

I have perused the same.

It is seen that the offences alleged against the petitioner have punishment up to 10 years and therefore, the mandatory period for detention in custody would be 60 (sixty) days. Since, no charge-sheet has been filed, the petitioner has accrued a right to be released on bail under the provision of Section 167(2) of the Cr.P.C., the accused-petitioner, named above, in connection with the

aforementioned case, shall be released on bail forthwith on furnishing a bail bond of Rs. 20,000/- (Rupees Twenty Thousand only) with 1 (one) local surety of like amount to the satisfaction of the learned CJM, Kamrup, Amingaon, subject, of course to the following conditions:

- i) That the petitioner shall co-operate with the investigation as and shall appear before the IO as and when required till the investigation is completed;
- ii) That the petitioner shall not hamper or tamper with the investigation in any manner;
- iii) 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 office; and
- iv) That the petitioner shall not leave the jurisdiction of the CJM, Kamrup, Amingaon, without obtaining prior written permission from the concerned investigating officer of the case.

In the event, the petitioner is found to have violated any of the above conditions or is found to be involved in other offences, the Investigating Officer shall be at liberty to apply for recall/cancellation of the bail granted to the petitioner.

Accordingly, the bail petition is allowed and disposed of.

Return the case diary.

JUDGE

Comparing Assistant