

GAHC010096022023



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

Case No. : Bail Appln./1604/2023

PARWA BEYONG
S/O SRI TALUCK BEYONG
R/O BEYONG P.S. KHENEWA
DIST. EAST KAMENG, ARUNACHAL PRADESH.

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. P K GARODIA
Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

05-06-2023

Heard Mr. D. Sarma, learned counsel for the petitioner and Mr. R. R. Kaushik, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 439 CrPC, the petitioner, namely, **Sri Parwa Beyong** is seeking bail in Khatkhathi P.S. Case No. 40/2023 registered under Sections 379/411/468/471 IPC corresponding to G.R. No. 164/2023, wherein, he was arrested on 23.04.2023 and since then, he is in custody.

On the night of 22.04.2023 during the Naka checking at NH-39, near the SBI Branch Khatkhathi one Toyota Fortuner car bearing Registration No.AR-05-6040 coming from Bokajan and heading towards Dimapur side was intercepted and checked. While checking the

documents of the said Toyota Fortuner vehicle, it was found that the Chasis number and Engine number of the Registration certificate as well as the Insurance copy of the said vehicle did not match, as such, the said Toyota Fortuner vehicle was detained along with the owner of the said vehicle and brought to Khatkhathi Police Station for necessary investigation.

After interrogating the owner of the said vehicle, namely, Parwa Beyong, the petitioner herein, it came to the light that said vehicle is a stolen one and previously one Michael Tajo used the said Toyota Fortuner with Registration No.AR-01M-1325, which was also a fake number plate.

During the investigation, it was revealed that the petitioner herein, who was driving the said Toyota Fortuner vehicle, prepared the Registration certificate as well as insurance and number plate by himself at Itanagar and it was disclosed by him that he got the said vehicle from one Michael Tajo of Arunachal Pradesh and was aware of the fact that it is a stolen vehicle.

Since 23.04.2023, the petitioner is in custody in said Khatkhathi P.S. Case No.40/2023.

Perused the case diary produced before the Court today by Mr. R. R. Kaushik, learned Additional Public Prosecutor, Assam and from the case diary, it is seen that the petitioner himself stated that as there was no documents of the said Toyota Fortuner with Number plate AR-01M-1325 that was given to him by Michael Tajo, the petitioner of his own prepared the Registration Number as AR-05-6040 and also a made fake Registration Certificate with Registration Number as AR-05-6040 and a fake Insurance Certificate of Bajaj Allianz General Insurance Company Limited.

However, the case diary is silent regarding the concerned Toyota Fortuner vehicle, as to whether, the original owner of the said vehicle has lodged any FIR or complaint with regard to the said Toyota Fortuner vehicle with the concerned Registration Numbers, Engine Number and Chasis Number or not.

Considering the materials in the case diary and the period of detention of the petitioner in custody since 23.04.2023, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate the said Khatkhathi P.S. Case No. 40/2023. As such, this bail application of the petitioner in said Khatkhathi P.S. Case is

accepted.

Accordingly, the petitioner, namely, **Sri Parwa Beyong**, be released on bail in said Khatkhathi P.S. Case No. 40/2023, on furnishing a bail bond of Rs.2,00,000/-, with 2 (two) local sureties of the like amount, to the satisfaction of the learned Sub-Divisional Judicial Magistrate (M), Bokajan, Khatkhathi on conditions that the petitioner shall – **(i)** appear before the Investigating Officer of said Khatkhathi P.S. Case No. 40/2023 on every 10 (ten) days during the office hours, in the week commencing from 19.06.2023 for the next eight weeks months and thereafter, as and when he is required for necessary investigation of the case; **(ii)** not leave the territorial jurisdiction of the Khatkhathi Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; **(iii)** not hamper with the investigation, or tamper with the evidence of the case and **(iv)** he 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 them from disclosing such facts to the Court or to any police officer, failing which, the bail granted to him in the aforesaid Khatkhathi P.S. Case No. 40/2023 shall stand automatically vacated.

Return the case diary herewith.

Bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant

