

GAHC010107152023



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

Case No. : Bail Appln./1772/2023

BABU BASFOR @ CHIRIYA
S/O LATE CHOTOLAL BASFOR, R/O SOLAPARA, NEAR NEHRU STADIUM,
P.S.-PALTANBAZAR, DIST-KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. C K NATH

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

26-05-2023

Heard Mr. S. Munir, learned counsel for the petitioner and Mr. M.P.Goswami, learned Additional Public Prosecutor, Assam for the State.

By this application filed under Section 439 CrPC, the petitioner, namely, **Babu Basfor @**

Chiriya, is seeking bail in connection with Paltanbazar Police Station Case No. 587/2022 registered under Sections 380/506/34 IPC corresponding to G.R. Case No. 9923/2022 wherein he was arrested on 02.05.2023 and since then he is in custody.

On 14.12.2022, the FIR was lodged by one Ayush Barua stating that his brother aged about 14 years and mother have been facing death threats for last 2 to 3 months and that certain robbery activities were also done by some people who are now giving them death threats. Accordingly, said FIR was registered as Paltanbazar P.S. Case No. 587/2022 under Sections 380/506/34 IPC.

From the case diary, Mr. Goswami, learned Additional Public Prosecutor, Assam submits that the accused person is known to the informant and on the day of incident, the accused person along with his another friend came to the house of the informant, ate Maggi along with the family members of the informant and thereafter, said family members of the informant felt dizzy and then the petitioner and his friend took away the belongings of those family members from the house of the informant in which his brother and mother could not resist due to dizziness.

On being enquired, Mr. Goswami, learned Additional Public Prosecutor, Assam submits that the case diary is silent regarding any such death threat given to the family members of the informant by the petitioner or his colleagues.

Considering the above and the period of detention of the petitioner in custody since 02.05.2023, the Court is of the view that further custodial detention of the petitioner is not warranted regarding investigation of said Paltanbazar P.S. Case No. 587/2022. As such, this bail application of the petitioner is accepted.

Accordingly, the petitioner, namely, **Babu Basfor @ Chiriya**, be released on bail in said Paltanbazar P.S. Case No. 587/2022 on furnishing a bail bond of Rs. 40,000/- with 2 (two) local sureties of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro) on conditions that the petitioner shall – **(i)** appear before the concerned Investigating Officer of said Paltanbazar P.S. Case No. 587/2022 as and when he is required for necessary investigation of the case; **(ii)** not leave the territorial jurisdiction of Paltanbazar 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)** 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/her from disclosing such facts to the Court or to any police officer, failing which, the bail granted

to him in the aforesaid Paltanbazar P.S.Case No. 587/2022 shall stand automatically vacated.

Bail application accordingly stands allowed.

Return the case diary.

JUDGE

Comparing Assistant