

GAHC010135922023



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

Case No. : Bail Appln./2169/2023

L DIPAM SINGHA @ NOBI SINGHA
S/O NAYAN BABU SINGHA
R/O NEW MARKET,
OPPOSITE HOJAI GIRLS COLLEGE,
P.S. HOJAI
P.O. HOJAI
DIST. NAGAON, ASSAM
PIN-782435

VERSUS

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

Advocate for the Petitioner : MR. J ABBAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

04.07.2023

Heard Mr. J. Abbas, learned counsel for the petitioner. Also heard Mr. K. K.

Parashar, learned Additional Public Prosecutor for the State of Assam.

This is an application made under Section 439 Cr. P.C. seeking bail by the petitioner, namely, **L. Dipam Singha @ Nobi Singha**, who was arrested on 26.05.2023 and has been custody since then in connection with the Haflong P.S. Case No. 37/2023 under Section 120B/406/420 of the I.P.C.

The case diary produced has been perused.

The F.I.R. dated 06.05.2023 was lodged by the informant one Sajal Saha alleging that the FIR named accused person had taken his vehicle and it is suspected as the vehicle has not been returned back inspite of assurances, the same has been sold off to some other person. Although no specific allegations are made against the petitioner, the petitioner has alleged to be a cousin of the prime accused and had assured to delivery of the vehicle to the informant.

The learned counsel for the petitioner submits that he is no way connected with the aforesaid offence. He was merely trying to sort out the issue between the informant and the other accused persons named therein. However, during the investigation, the petitioner was arrested on 26.05.2023 and has been custody since then.

Mr. Parashar, learned Additional Public Prosecutor for the State of Assam submits that the Case Diary as called for has been received and the vehicle in the meantime has been recovered and during the course of the investigation, it is found that the vehicle was mortgaged to a person of Dimapur for an amount Rs. 3,95,000/- and a part of the amount was shared with the present petitioner.

Having heard the learned counsel for the parties, this Court is of the view of

that the vehicle has been recovered and handed over to the informant and considering the materials so far collected, including the length of detention as well as the nature of allegations made against the petitioner, this Court is of the considered opinion that further custodial detention of the petitioner is not necessary.

Accordingly, the petitioner, named above, shall be released on bail in connection with the case aforementioned on furnishing bail bond of Rs. 40,000/- with one suitable surety of like amount, to the satisfaction of the learned Chief Judicial Magistrate, Haflong, Dima Hasao, in connection with the Haflong P.S. Case No. 37/2023.

The direction for bail is further subject to the conditions that the petitioner:

- (a) Shall not leave the territorial jurisdiction of learned Chief Judicial Magistrate, Haflong, Dima Hasao, without prior written permission from him;
- (b) Shall not hamper with the investigation of the case and tamper with the evidence of the case;
- (c) 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.

In terms of the above, this bail application is allowed and disposed of.

Return the case diary.

JUDGE

Comparing Assistant