

GAHC010150502023



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

Case No. : Bail Appln./2382/2023

TRIPEN BORO @ TRIPAN BORO
S/O SRI SUKLESWAR BORO, R/O VILL- KHAGARA, P.S.-KHOIRABARI, DIST-
UDALGURI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR S C DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 31.07.2023

Heard Mr. S.C. Das, learned counsel for the accused-petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioner, namely, **Tripin Boro @ Tripin Boro**, in connection

with **Goreswar P.S. Case No. 119/2023**, registered under Sections **120(B)/420/379/411/413 IPC**.

It has been submitted by the learned counsel for the petitioner that the petitioner is working in a motor garage. He further submits that the one scooty was parked near the garage for repairing and in the meantime, police came and found the said scooty and arrested the petitioner. He also stated that the petitioner has been detained in custody for 36 days as on date. Considering the background of the case as well as period of detention, petitioner may be enlarged on bail.

Mr. R.J. Baruah, learned Additional Public Prosecutor has raised objection in granting bail to the petitioner by showing the ground given in the forwarding report that one stolen Honda scooty was recovered from the possession of the accused/petitioner which was brought from the accused Akhrag Basumatary. Therefore, bail prayer of the petitioner may not be considered at this stage.

Case diary is received and perused the same.

I have considered the submissions made by the learned counsel for the parties. Perusal of the case diary, it appears that there is an allegation made in the forwarding report that one stolen scooty was recovered from the possession of the accused/petitioner. It is also not clear whether the scooty which was recovered from the possession of the petition is a stolen property or not. Till today, no other material has been collected by the investigating officer for which further custodial interrogation of the accused-petitioner is necessary in the interest of investigation of the case.

Accordingly, the accused-petitioner, named above, shall be released on

bail in connection with **Goreswar P.S. Case No. 119/2023**, registered under Sections **120(B)/420/379/411/413 IPC** on furnishing bail bond of **Rs.20,000/-** with **one suitable surety** of the like amount, to the satisfaction of learned CJM, Mushalpur, Baksa.

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

(a) shall not leave the territorial jurisdiction of learned CJM, Mushalpur, Baksa, without prior written permission from him;

(b) shall not hamper with the investigation, or 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 officer.

In terms of the above, this bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant