

GAHC010182372023



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

Case No. : Bail Appln./2937/2023

JOGESH KALITA
S/O LATE SIPIN KALITA
PERMANENT RESIDENT OF VILL- ADABARI, SUTARKUCHI, P.S.
MUKALMUA
DIST. NALBARI, ASSAM AND PRESENTLY RESIDING AT GHORAMARA, P.O.
AND P.S. HATIGAON, GUWAHATI, DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R Deka

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

24.08.2023

Heard Mr. R. Deka, learned counsel for the accused and also heard Ms. S.H. Bora, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973 is preferred by accused Jogesh Kalita, who has been languishing in jail hazot since 11.08.2023, in connection with BI(EO) P.S. Case No.20/2023 under Section 120B/420/285 IPC read with Section 7 of the E.C. Act, for granting bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by Dilip Kr. Deka, Superintendent, Food, Civil Supplies and Consumer Affairs, BI(EO), Assam. The essence of allegation made in the FIR is that the accused had illegally stored 44 nos. of LPG cylinder in his grocery shop in a negligent manner endangering the life of surrounding people in violation of the laid down rules and regulation for keeping such combustible items.

4. Mr. Deka, learned counsel for the accused submits that the accused was arrested on 11.08.2023, and since then he was languishing in jail hazot and that he is innocent and he is in no way involved with the offence alleged in the FIR and that there is no ingredients of the offence under Section 120B/420/285 IPC and though the case is registered under Section 7 of the E.C. Act also, the said section is bailable and that the accused is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. Ms. S.H. Bora, learned Additional Public Prosecutor, on the other hand, also fairly agreed with the submission of the learned counsel for the accused that the offence under Section 7 of the E.C. Act is bailable.

6. Having heard the submission of learned Advocates of both sides, I have gone through the petition and the documents placed on record.

7. It appears that the accused is languishing in jail hazot since 11.08.2023. Having regards to the nature of allegations levelled in the FIR and also having regards to the gravity of the offence and the punishment prescribed for the same, further custodial detention of the accused seems to be not warranted here in this case. And accordingly, it is provided that on furnishing a bail bond of ₹ 50,000/- with one surety of the like amount

to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), the accused be enlarged on bail in connection with BI(EO) P.S. Case No.20/2023 under Section 120B/420/285 IPC read with Section 7 of the E.C. Act.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant