

GAHC010184062023



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

**Case No. : Bail Appln./2912/2023**

SONDIP SORONGPHANGSA @ SANDIP SORONGPHANGSA AND ANR.  
S/O GUNADHAR SORONGPHANGSA W/O THAISRINGDI SORONGPHANGSA  
PERMANENT R/O DANABNGA BATHARI P.S DIPHU DIST KARBI ANGLONG  
ASSAM PIN 782470

2: ABACHAND DAULAGAPU @ ABACHAN DAULGAPHU @ JUGU  
S/O JAYBHADRA DAULAGAPU W/O KHRICHMI DAULAGUFU  
PERMANENT R/O MISIPADJA P.S DIPHU DIST. KARBI ANGONG ASSAM PIN  
78247

VERSUS

THE STATE OF ASSAM REP BY THE PP, ASSAM

**Advocate for the Petitioner : MR. N K MURRY**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE AJIT BORTHAKUR**

**ORDER**

**Date : 15.09.2023**

Heard Mr. N. K. Murry, learned counsel appearing for the accused petitioners as well as Mr. B. Sarma, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioners, namely,

**1. Sondip Sorongphangsa @ Sandip Sorongphangsa, 2. Abachand Daulagapu @ Abachan Daulagaphu @ Jugu,** have prayed for grant of bail in connection with **Dhansri OP GDE No.528**, dated 31.07.2023, registered as **Diphu P.S. Case No.84/2023** under Sections **120B/448/386/506/34** of the IPC, r/w Section **25(1)(a)** of the Arms Act, corresponding to G.R. No. 524/2023.

The case diary, as called for, is placed before the Court.

The accused petitioners have been in judicial custody since 05.08.2023, i.e. for 45 days.

Mr. N. K. Murry, learned counsel appearing for the accused petitioners, submits that the accused petitioners have been languishing in judicial custody for 41. It has been submitted that they are arrested on mere suspicion without any criminal antecedents.

Per contra, Mr. B. Sarma, learned Addl. P.P., submits that the case diary reveals that the accused petitioners are named in the FIR and identified as well as the arms and ammunition were recovered from the present accused petitioners and one another. The case diary reveals sufficient incriminating material against the accused petitioners.

The FIR reveals the allegation of demanding huge amount of money by the present accused petitioners along with one another wearing army camouflage uniform with fire arms from the house of one Promod Hasnu.

A perusal of the seizure memo shows that the fire arm and ammunition were recovered and seized from the possession of prime accused one Safa

Porbasa. Two mobile phones were seized from the house of the present accused.

The evidence so far collected by the Investigating Officer reveals that the accused petitioners accompanied the prime accused, who is a surrendered militant cadre, and went to the house of Promod Hasnu to demand a sum of Rs. 7 Lakhs and threatened to kill him if he did not pay the demanded money. There was, of course, no delivery of the extortion money.

Medical report shows that one Gokul Rabha sustained simple injury caused by blunt weapon.

On scrutiny of the materials on the case diary and having considered the length of detention in judicial custody and substantial progress in investigation in respect of the accused petitioner's complicity in the alleged criminal acts, this Court is of the considered opinion that further continuation of detention of the accused, in the interest of investigation, is not warranted.

Accordingly, it is provided that the accused petitioners, named above, shall be released on bail of **Rs. 50,000/- each** with two sureties of like amount to the satisfaction of the **learned C.J.M., Karbi Anglong at Diphu** subject to the following conditions-

- i) That the accused petitioners shall cooperate with the Investigating Officer as and when required; and
- ii) That the accused petitioners 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 Police Officer or the Court; and

- iii) That the accused petitioners shall refrain from committing any similar offences in future, of which they are suspected of commission; and
- iv) That out of the two sureties, one must be a government servant subject to verification of the relevant documents, if deemed necessary and after such verification, the learned Court below shall return the original documents retaining legible scanned copy thereof on record for future reference.

Breach of any of the above conditions of bail shall render cancellation of the bail in accordance with law.

Return the case diary.

This disposes of the bail application.

**JUDGE**

**Comparing Assistant**