

GAHC010187562023



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

Case No. : Bail Appln./2953/2023

DIPJYOTI DOLEY @ MICKEL
S/O HEMO KANTA DOLEY,
R/O KRISHNA NAGAR, KHANAPARA, KAMRUP (M), ASSAM, PIN- 781022.

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR. M SAIKIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

13.09.2023

Heard Mr. M. Saikia, learned counsel for the accused and Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused, namely, **Sri Dipjyoti Doley @ Mickel**, who is languishing in jail hazot since 05.08.2023, in connection with the **Basistha P.S. Case No. 458/2023**, under Sections 379/401/411 of the IPC,

for granting bail.

3. The said case has been registered on the basis of one FIR lodged by Sri Jisu Janakya Gogoi, on 03.08.2023. The essence of allegations made in the FIR is that some boys came in 2 scooties to the Ganesh Mandir and attempted to commit theft in the mandir and the local people apprehended one Siva Roy and Biswajit das and they have confessed that they are involved in commission of theft with one Akas Das; Kishan Das; and Kartik Gogoi.

4. Mr. Saikia, learned counsel for the accused submits that the accused was arrested on 05.08.2023, and since then he is behind the bar for last 39 days and that he is innocent and he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Borthakur, learned Additional Public Prosecutor has produced the case diary before this Court and submits that though the I.O. has achieves substantial progress in investigation, yet he has objection in enlarging the accused on bail and therefore, it is contended to dismiss the petition.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the Case Diary with the assistance of Mr. Borthakur, learned Additional Public Prosecutor.

7. It appears that the accused was arrested in this case on 05.08.2023, and since then, he has been languishing in jail hazoot for last 39 days. Though materials have been collected against the accused by the IO, during the investigation, yet, balancing the period of detention with the nature and gravity

of the offence and also considering the stage of investigation, his further custodial detention seems to be unwarranted herein this case and accordingly, it is provided that on furnishing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the learned **Chief Judicial Magistrate, Kamrup (M) at Guwahati**, the accused be enlarged on bail.

8. In terms of above, this bail application stands disposed of.
9. The case diary be returned.

JUDGE

Comparing Assistant