

GAHC010205252023



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

Case No. : Bail Appln./3207/2023

BHUPEN SAIKIA
S/O LATE TAMBESWEAR SAIKIA
R/O GOPAL NAGAR, SANTIPUR,
P.O. AND P.S. NOONMATI
DIST. KAMRUP (METRO), ASSAM
PIN-781020

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, GOVT. OF ASSAM

Advocate for the Petitioner : MR. N BORUAH
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

20.09.2023

Heard Mr. N. Boruah, learned counsel for the accused and Mr. K.K. Parasar, 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 Bhupen Saikia**, who is languishing in jail hazot since 31.08.2023, in connection with the **Noonmati P.S. Case No. 171/2023**, under Sections 457/380 of the IPC, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by one Utpal Bhuyan, on 12.06.2023. The essence of allegations made in the FIR is that on the intervening night of 09.03.2023, some culprits entered into his house, by cutting window rod and stolen 2 laptops from.

4. Mr. Boruah, learned counsel for the accused submits that the accused has purchased the laptops from accused Abdul Rashid Ahmed @ Ranju, who has already been arrested and enlarged on bail by the learned Addl. District and Sessions Judge, Kamrup [M] at Guwahti and another co-accused has also been enlarged on bail by this Court. Mr. Boruah further submits that the accused has no knowledge that the laptop purchased by him was stolen laptop and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Parasar, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the stolen laptops were recovered from the possession of the accused and that the present accused has purchased the same from co-accused Abdul Rashid Ahmed @ Ranju, on payment of Rs. 10,000/-. Mr. Borthakur further submits that the IO has achieved some progress in the investigation of the case and he has examined some witnesses and also recovered one of the laptop and seized the same, preparing seizure list.

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 learned Additional Public Prosecutor.

7. It appears that the accused was arrested in this case on 31.08.2023, and since then, he has been languishing in jail hazoot. Further, it appears from the

case diary that the I.O. has achieved some progress in the investigation of the case. He has examined some witnesses and recovered one of the laptop and seized the same.

8. Thus, balancing the period of detention with the nature and gravity of the offence, this Court is of the view that further custodial detention of the accused seems to be unwarranted here in this case. 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 namely be enlarged on bail.

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

9. The case diary be returned.

JUDGE

Comparing Assistant