

GAHC010223052023



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

Case No. : Bail Appln./3544/2023

VEERU SINGH
S/O BALDEV SINGH
R/O BARABAZAR, PANJABI COLONY
P.S. CANTONMENT BEAT HOUSE,
NEAR ANJALI CINEMA HALL
DIST. EAST KHASI HILLS, MEGHALAYA.

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR A RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

13.10.2023

Heard Mr. S. Munir, learned counsel for the accused and also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under section 439 Cr.P.C. is preferred by accused, namely, Veeru Singh, who has been languishing in jail hazot since 14.09.2023, in connection with Basistha P.S. Case No.551/2023, under Section 380/411/401 IPC, for grant of bail.

3. It is to be noted here that the above noted case has been registered on the basis of one FIR lodged by S.I. Kapil Pathak of Jorabat Outpost on 14.09.2023. The essence of allegation made in the aforesaid FIR is that on 14.09.2023, the informant and his staff have intercepted one vehicle bearing Registration No.ML-05N-7812, at about 9:15 a.m. and found one Jannat Begum, Inayet Ali, Mohammad Yusuph and Veeru Singh and having checked the vehicle, they have recovered 518.8 gm of suspected gold from the possession of Jannat Begum.

4. Mr. Munir, learned counsel for the accused, submits that the accused is a driver and his vehicle was hired by the accused Nos.1, 2 and 3 of the FIR and that he was arrested on 14.09.2023, and since then he has been languishing in jail hazot for last 29 days and he is no way involved with the offence alleged in the FIR and the co-accused have already been granted bail by this Court vide order dated 12.10.2023, in Bail Appln. No.3636/2023 and therefore, Mr. Munir contended to allow this petition.

5. On the other hand, Mr. P. Borthakur, learned Additional Public Prosecutor has produced the case diary before this Court and submits that apart from the quantity of gold seized from the possession of the accused, as mentioned in the FIR, another consignment of gold was also seized from their possession and the total quantity thus, came to be 1250.544 gm and that the investigation of the case is going on and therefore, Mr. Borthakur has opposed the petition. However, to a pointed query of this Court, Mr. Borthakur submits that there is no FIR in relation to stealing of gold from any quarter, is available in the case diary.

6. Having heard the submission of learned Advocates for both the 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 P.P.

7. It appears that the accused person was arrested 14.09.2023 and since then he has been languishing in jail hazot. Further, it appears from the case diary that the I.O. has achieved substantial progress in the investigation of the case. It also appears that the accused is a driver by profession and his vehicle was hired by the accused Nos.1, 2 and 3

of the FIR.

8. In view of the progress of investigation and also in view of the period of detention and balancing the same with the nature and gravity of the offence, and further considering the fact that the co-accused have already been enlarged on bail by this Court on 12.10.2023, this Court is inclined to allow this petition. Accordingly, it is provided that on furnishing a bond of ₹ 50,000/- (Rupees Fifty Thousand) with one surety of like amount, to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), the accused be enlarged on bail.

9. In terms of above, this petition stands disposed of. The case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant