

GAHC010226002023



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

Case No. : Bail Appln./3567/2023

BABLU RAY @ BABLU ROY
S/O RAM BINOD ROY
R/O FATASIL AMBARI
DILIP HAZURI PATH,
NEAR LAKHI MANDIR
P.S. FATASIL AMBARI, GUWAHATI-25
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR M Z SHAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

05.10.2023

Heard Mr. M.Z. Shah, learned counsel for the accused and also heard Mr. K.K. Parasar, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application under Section 439 Cr.P.C. is preferred by the accused, namely, Bablu Ray @ Bablu Roy, who has been languishing in jail hazot since 18.09.2023, in connection with Fatasil Ambari P.S. Case No.214/2023, under Section 380/411 IPC, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one Gopal Sharma on 17.09.2023. The essence of allegation made in the FIR is that on 14.09.2023 one Bikram Roy committed theft of one cylinder, 10 nos. dhuti, 9 nos. of Genji, 11 nos. of gamusa and coins amounting to ₹ 300/- and sold the same to one Babul Ray.

4. Mr. Shah, learned counsel for the accused submits that the accused was arrested on 18.09.2023, and since then he has been languishing in jail hazot. Further, Mr. Shah submits that the accused had purchased the items from one Bikram and he was not aware of that the said articles were stolen articles and that all the stolen articles were recovered and seized by police and as such, further custodial detention of the accused may not be required in the interest of investigation and therefore, it is contended to allow the petition.

5. Whereas, Mr. K.K. Parasar, learned Additional Public Prosecutor, Assam, submits that the stolen articles were recovered from the possession of the accused and there is material against him and therefore, Mr. Parasar has opposed the petition.

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

7. It appears that the accused was arrested on 18.09.2023, and since then he has been languishing in jail hazot. Further, it appears that the stolen articles have already been recovered from the possession of the accused and the same having seized by police. Since the stolen articles have already been recovered and seized by police, and material part of the investigation appears to be almost over and as such, further custodial detention of the accused seems to be not warranted here in this case and therefore, this

Court is inclined to allow this petition.

8. It is provided that on furnishing a bail bond of ₹ 50,000/-, with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), the accused be enlarged on bail, in connection with Fatasil Ambari P.S. Case No.214/2023, under Section 380/411 IPC.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant