

GAHC010232112023



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

Case No. : Bail Appln./3666/2023

RIPON DUTTA
S/O LATE JOGESH DUTTA
R/O BILAPARA ALIPUR DUAR
P.S. ALIPUR DUAR
DIST. ALIPUR DUAR, WEST BENGAL.

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B K DAS

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

27-10-2023

Heard Mr. B. K. Das, learned counsel for the petitioner and Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 439 CrPC, the petitioner, namely, **Ripon Dutta** is seeking bail in **Jalukbari Police Station Case No. 505/2023** registered under Sections

406/420/379 IPC, wherein, he was arrested on 01.09.2023 and since then, he is in custody.

As per the FIR lodged by the informant is that his vehicle was booked on 25.08.2023 by two unknown persons from Maligaon to Chaparmukh for an amount of Rs.15,000/- and they proceeded to Chaparmukh around 02:45 pm while reaching Chaparmukh, the informant was offered energy drink (Sting) by those unknown persons and after consuming the said drink, the informant could not remember anything and later on 26.08.2023, he was recovered by his family members from the side of the Railway Track at Chaparmukh Railway Station and found his car missing.

During investigation, police arrested the petitioner and found his involvement in the crime.

Case diary placed before the Court today by Mr. B. B. Gogoi, learned Additional Public Prosecutor reveals that the petitioner is a habitual offender and was also arrested earlier in Basistha P.S. Case No. 287/2022 under Section 328/420/34 IPC in connection with theft of vehicle.

Case diary reveals sufficient incriminating materials with regard to the involvement of the petitioner in the alleged crime.

However, considering the length of detention of the petitioner since 01.09.2023, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate said **Jalukbari P. S. Case No. 505/2023** and as such, this bail application of the petitioner is accepted.

Accordingly, the petitioner, namely, **Ripon Dutta** shall be released on bail in connection with said **Jalukbari P. S. Case No. 505/2023** on furnishing bail bond of Rs. 1,00,000/- with two local sureties each of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati on conditions that the petitioner **(i)** shall appear before the concerned Investigation Officer of said **Jalukbari P. S. Case No. 505/2023** as and when he is required for necessary investigation of the case; **(ii)** shall not leave the territorial jurisdiction of Jalukbari Police Station without obtaining prior written permission from the Investigating Officer of the Case; **(iii)** shall not hamper or tamper any evidence of the case and **(iv)** shall not threat or intimidate the witnesses acquainted with the case.

Any violation of the aforesaid terms and conditions by the petitioner, named above, the bail granted to him in said **Jalukbari P. S. Case No. 505/2023** shall stand automatically vacated.

Bail application accordingly stands allowed.

Return the case diary.

JUDGE

Comparing Assistant