

GAHC010238532023



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

Case No. : Bail Appln./3834/2023

JYOTI PRAKASH JAISWAL
S/O- SRI GHANASHYAM SHAW, R/O- HOUSE NO. 1, BABA MOHAN SINGH
PATH, BIRUBARI, GHY, DIST. KAMRUP(M), ASSAM, PIN- 781016.

VERSUS

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

Advocate for the Petitioner : A I AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 08-11-2023

Heard Mr. A. I. Ahmed, learned counsel for the accused. Also heard Mr. B. Sarma, learned Addl. P. P. for the State respondent.

This application, under Section 439 Cr.P. C. is preferred by accused, Jyoti Prakash Jaiswal, who has been languishing in jail hajot since 07.10.2023, in

connection with Latacil P. S. Case No. 181/2023, under Section 379 IPC, corresponding to G.R.Case No. 7480/2023, for grant of bail.

The above noted case has been registered on the basis of an FIR lodged by one Dwipen Nath on 7.10.2023.

The essence of allegation, made in the FIR dated 7.10.2023, is that on that day one scooter borne person bearing No. AS-01-BF-1113, had stolen the battery of his Car bearing registration No. AS-01-KC-9757, which was parked in front of house No. 22-A of Prof. Ranjit Kumar Choudhury.

Mr. A. I. Ahmed, the learned counsel for the accused submits that the accused was arrested on 7.10.2023, and since then he has been languishing in jail hazot for last 32 days. It is further submitted that the accused deals with the business of the damaged battery and he is no way involved with the offence alleged in the FIR and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow this petition.

On the other hand, Mr. Sarma, learned Addl. P. P. has produced the case diary before this Court and submits that the I.O. has collected some materials in support of the allegation made in the FIR. Mr. Sarma further submits that on the basis of C.C.T.V footage, one accused, namely, Imran Ismail @ Biki was arrested and on being led and shown by him, the stolen battery was recovered from the possession of the present accused and therefore, Mr. Sarma, has opposed the petition.

Having heard the submission of learned Advocates of both the parties and I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Sarma, learned Addl. P.P for the State respondent.

It is not in dispute that the accused is behind the bar for last 32 days and the

case diary indicates that stolen battery has already been recovered and seized by police, and as such, the material part of investigation appears to be over and his further custodial detention, in the interest of investigation, seems to be not warranted herein this case. And accordingly, this Court is inclined to allow this petition. It is provided that on furnishing a bond of Rs.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 terms of above, this bail petition stands disposed of.

Case diary be returned.

JUDGE

Comparing Assistant