

GAHC010247572023



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

**Case No. : Bail Appln./3960/2023**

MARAN CH DAS  
S/O LT. BABULAL DAS, R/O VILL-GOBIN PUR COLONY, P.O.-MANDIA, P.S.-  
BHAGBOR, DIST-BARPETA, PIN-781308, ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner : MR H R A CHOUDHURY**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

**ORDER**

**Date : 07.11.2023**

Heard Mr. H. R. A. Choudhury, learned senior counsel assisted by Ms. S. S. Zia, learned counsel for the petitioner. Also heard Ms. M. Das, learned Additional Public Prosecutor for the State of Assam.

This application under section 439 of the Code of Criminal Procedure 1973, has been filed by the petitioner, namely, Maran Ch. Das, who has been

detained behind the bar since 17.10.2023, (since last 21 days) in connection with Guwahati G.R.P.S. Case No. 187/2023 registered under Section 120B/389 of Indian Penal Code added Section 387 of Indian Penal Code.

The accusation in this case is that on 28.09.2023, one ASI Bibungsar lodged an FIR before the Officer-in-Charge of Guwahati G.R.P.S., *inter-alia*, alleging that on 10.05.2023 at about 10.30 am the present petitioner along with along four other police personnels while conducting checking duty at Kamakhya Railway Station boarded Kamakhya Gandhidam Express and found two persons, namely, Sandeep Patil and one Mukesh Kumar possessing one boat shaped golden colour metal suspected to be gold.

It is alleged in the FIR that the petitioner along with other personnel of the police party demanded to release the apprehended person on payment of Rs. 1,00,000/- and received the said money and allowed the said persons namely, Mukesh Kumar and Sandeep Patil to flee away in the said train.

It is further alleged in the FIR that later on the accused persons that including the present petitioner returned back to home.

The case was initially registered under Section 120B/389 of the Indian Penal Code.

Learned counsel for the petitioner submits that after registration of case, the petitioner approached this Court by filing an anticipatory bail application and while disposing of the said anticipatory bail application, a coordinate Bench of this Court by order dated 11.10.2023 (AB Case No. 3483/2023) observed that as the offence involved in the case i.e., offence under section 389 of the IPC is bailable, the anticipatory bail application is not maintainable and accordingly the said anticipatory bail application was disposed of.

It is further submitted by the learned counsel for the petitioner that the

after order of the anticipatory bail passed by this Court the petitioner approached before the Investigating Officer on 12.10.2023 and he was allowed to go back home. However, on the date i.e., 12.10.2023, the Investigating Officer approached the Judicial Magistrate First Class with a prayer to add Section 387 to this case, which was allowed and thereafter, the present petitioner was arrested in this case on 17.10.2023.

Learned senior counsel for the petitioner has submitted that the petitioner has already been detained behind the bar since last 21 days and considering the nature of offence alleged in this case, this period may be considered as sufficient period for progress of the investigation.

On the other hand learned Additional Public Prosecutor has produced the case diary of Guwahati G.R.P.S. Case No. 187/2023 and has submitted that the Investigating Officer has recorded the statement of the present accused person as well as other witnesses and the investigation has fairly progressed.

Considering the progress made in the investigation as well as the period of detention under gone by the present petitioner and also considering the fact that the present petitioner has already been suspended by the police department, his further custodial detention does not appear to be necessary for fair completion of the investigation in this case.

In view of above, the petitioner, namely, MaranCh. Dasis allowed to go on bail of Rs. 30,000/- with one surety of like amount to the satisfaction of learned Chief Judicial Magistrate, Kamrup (Metro) with a condition that he shall continue to co-operate in the investigation.

With the above, observations, this bail application is accordingly disposed of.

Send back the case diary.

**JUDGE**

**Comparing Assistant**