

GAHC010261902022



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

Case No. : Bail Appln./3573/2022

RIKU SK
S/O ISAD ALI
VILL- KANAIMARA, P.S. SOUTH SALMARA
DIST. SOUTH SALMARA MANKACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

O R D E R

02.01.2023.

Heard Mr. A. Ahmed, learned counsel for the accused. Also heard Mr. B.B. Gogoi, learned Addl. P.P., Assam appearing for the State respondent.

This application, under Section 439 of the Code of Criminal Procedure, is preferred by accused, namely, Riku Sk, who is languishing in jail hazot since 11.11.2022, in connection with the South Salmara P.S. Case No.294/2021, under Sections 25(1)(a) of the Arms Act, for grant of bail.

The aforesaid case has been registered on the basis of an F.I.R., lodged by one Satradhar Singh, AC of BOP Borer Alga, 6th Bn., BSF, under the South Salmara Police Station on 27.08.2021, to the effect that based on secret information received on 26.08.2021, at about 2 P.M., they have apprehended one Danibat T. Sangma and recovered one hand made pistol along with magazine from him.

Mr. A. Ahmed, learned counsel for the accused submits that the accused was arrested on 11.11.2022, and since then, he is languishing in the jail hajot for last 52 days and that nothing was recovered from his possession and the alleged arms and magazines were recovered from the possession of one Danibat T. Sangma, who received the same from one Ibrahim Ali @ Kalu and Ibrahim Ali @ Kalu received the same from one Ramjan Ali and Ramjan Ali allegedly received the same from the present accused and that the mandatory period of detention, here in this case is 60 days and since the accused is languishing in the jail hajot for last 52 days, Mr. Ahmed contended to allow the petition, considering the period of detention.

On the other hand, Mr. B.B. Gogoi, learned Addl. P.P., Assam has produced the case diary before this Court and submits that material part of the investigation is almost completed and the I.O. has collected the FSL report also and the case is pending for filing of the charge sheet only.

Having heard the submissions of learned Advocates of both 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. Gogoi, learned Addl. P.P., Assam.

It appears that the accused is behind the bar for last 52 days and that the seized arms were recovered from Danibat T. Sangma and not from the possession of the present accused, and further, it appears that material part of investigation is almost over and in the interest and investigation, further custodial detention of the accused seems to be unwarranted here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- (Rupees fifty thousand) only, with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, South Salmara at Mankachar, the accused person, named above, shall be enlarged on bail, in connection with the South Salmara P.S. Case No.294/2021.

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

The case diary be returned.

JUDGE

Comparing Assistant