

GAHC040005062024



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

Case No. : BA/41/2024

Suren Tacha
Son of Shri Mochi Tacha, resident of Village Bholabori, PO and PS Narayanpur,
Lakhimpur District, Assam

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Gautam Phukan

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 01.05.2024

Heard Mr. G. Phukan, learned counsel for the petitioner. Also heard Mr. T. Ete, learned Additional Public Prosecutor for the State respondent.

2. This is an application under Section 439 of the Code of Criminal Procedure, 1973 for granting regular bail to the accused persons i.e., **(i) Shri**

Ankur Tacha@ Jibon Tacha@ Tapan Tacha (ii) Shri Ritupan Tacha, who has been languishing in jail hazot in connection with Chimpu P.S. Case No. 16/2024, under Sections 379/34 of the Indian Penal Code.

3. The case of the prosecution in brief is that one RRU (Remote Radio Unit) has been stolen from ATC (American Tower Corporation) against which an FIR has been registered as Chimpu P.S. Case No. 16/2024 under Section 379/34 IPC. It is the further case of the prosecution that during investigation it has come to light that the above accused persons along with other co-accused has stolen the said RRU (Remote Radio Unit). Accordingly, the accused persons/petitioners were arrested on 25.02.2024 in connection with Chimpu P.S. Case No. 16/2024 registered under Section 379/34 of IPC.

4. Mr. G. Phukan, learned counsel for the petitioners submits that the petitioner is languishing in jail since last 69 days. He further submits that the petitioners are totally innocent and has been falsely implicated in the alleged offence. He further submits that the said stolen articles have already been recovered by the Investigating Officer.

5. Mr. T. Ete, learned Additional Public Prosecutor, on the other hand strongly opposes the prayer of regular bail. He submits that the LCR indicates sufficient adverse materials collected by the Investigating Officer against the petitioners. He further submits that after completing investigation in respect of the aforesaid 2(two) accused persons/petitioners charge-sheet has already been filed against them. However, since one of the co-accused Shri Bitupan Bhimaz is yet to be

arrested, supplementary charge-sheet will be filed against the co-accused after his arrest.

6. I have heard the submissions made at the bar and I have perused the materials available on records.

7. It appears from the statement of the accused/petitioner Shri Ritupan Tacha that his younger brother i.e., the petitioner No. 1 Shri Jibon Tacha often used to bring some kind of stolen boxes like equipment from mobile towers and the petitioner No. 1 use to send these boxes to Guwahati by Assam Transport Corporation Bus from Narayanpur to Guwahati. It further appears from the statement of the witnesses recorded under Section 161 Cr.P.C by the Investigating Officer that the petitioners have played an active role in stealing the RRU from the Civil Secretariat and also from Gohpur. It appears from the materials collected during investigation that the petitioners along with the co-accused are operating as gangs of thief and has been regularly stealing remote radio unit from Airtel Mobile Companies.

8. It appears that there are adverse materials available as regards the antecedents of the petitioners as well. It further appears that the Investigating Officer has raised an apprehension that if the petitioners are released on regular bail, they shall hamper apprehending the co-accused.

9. In view of the above materials, this Court is of the considered view that it

would not be in the interest of the investigation to grant bail to the petitioners/accused at this stage and accordingly, the same stands rejected.

10. With the above observation, the bail application stands dismissed.

Return LCR.

JUDGE

Comparing Assistant