

GAHC040008462024



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

Case No. : BA/68/2024

Smti Namita Boro
Wife of Paresh Deka, resident of Suhagpur,
PO Suhagpur, PS Goreswar, Baksa District, Assam

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Shabjel Hoque Sikdar

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 16.07.2024

Heard Mr. S. H. Sikdar, learned counsel for the applicants. Also heard Ms. L. Hage, learned Additional Public Prosecutor for the State respondent.

2. This is an application under Section 439 of Cr.P.C, 1973, Praying for grant

of bail to the accused person namely Shri Paresh Deka, who has been arrested on 04.06.2023 in connection with Pasighat P.S. Cas No. 77/2024 under Sections 399/120(B) of IPC.

3. The case of the petitioner is that one Inspector Shri Ige Lollen of Pasighat Police Station lodged a written FIR on 01.06.2024 inter alia stating therein that on 01.06.2024 at around 1110 hours an information was received from a reliable source that the group of people comprising of 3(three) surrendered cadre of NDFB along with others were heading towards Pasighat town from Assam to rob specific shop dealing in huge transaction in the last or first day of the month. Based on above information received, an extensive search was conducted and technical surveillance was mounted. The efforts led to the apprehension of 3(three) surrendered cadre of NDFB, namely, Shri Basant Basumatary, Shri Rashmi Basumatary & William Basumatary. Thereafter, the police had registered the above mentioned P.S. Case.

4. The further case of the petitioner is that on the basis of the name revealed by the arrested co-accused persons, the prosecution accused has been arrested by the police from Gauhati, Assam on 04.06.2024 with the help of Assam police. The case diary called for has been produced and I have perused the same.

5. The record reveals that the accused Paresh Deka is a hired goon/hoodlum, locally known as 'bhau' who is usually hired to intimidate and grab land for their

masters and he is the one to whom Shri Basant Basumatary had paid Rs. 40,000/- (Rupees Forty thousand) to purchase un-registered firearm for the purpose of committing dacoity. The record further reveals that the alleged accused Paresh Deka along with 5(five) others accused persons earlier came to Pasighat in red colour vehicle which it was later on identified through smart city CCTV recording. Thereafter, the alleged accused Paresh Deka and 5(five) other accused persons have fled to Gauhati as on that day i.e., on 31.05.2024 the shop was closed.

6. The learned Additional Public Prosecutor submits that in the instant case altogether 6(six) persons have been arrested and there are some more accused persons to be arrested and the incriminating material involved is the offence of the stolen vehicle and the replica pistol disclosed by the accused Paresh Deka which are yet to be recovered and seized from Assam. Under the circumstances, if the accused person is released on bail there is every likelihood that he may disappear or destroy the evidences. Moreover, the accused person although revealed the name of other co-accused persons, but the accused only took the nick name of those accused persons without revealing their real name.

7. Considering the allegations made against the accused and the incriminating material found against the accused person on record, I am not inclined to grant bail to the accused at this stage and accordingly, the same stands rejected.

8. With the above observation, this bail application stands disposed of.

Return the Case Diary.

Comparing Assistant

JUDGE