

GAHC010000422024



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

Case No. : Bail Appln./14/2024

RUPJYOTI ROY AND ANR
S/O HEMANTA ROY, R/O JARABARI, P.S.-CHHAYGAON, DIST-KAMRUP,
ASSAM

2: NIRANJAN MANDAL
S/O NIMAI MANDAL
R/O AMBARI
P.S.-CHHAYGAON
DIST-KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A PARAMANIK

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

19.01.2024

Heard Mr. A. Paramanik, learned counsel for the accused persons and
Mr. R.J. Barua, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure,

1973, is preferred by accused persons namely, **Rupjyoti Roy and Niranjana Mandal**, who have been languishing in jail hazot, in connection with the **Bhangagarh P.S. Case No. 331/2023**, under Sections 420/384/34 of the IPC, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by one Aminur Islam Khan, on 26.12.2023. The essence of allegations made in the FIR is that informant's paternal aunt was admitted at GMCH and on 26.12.2023, at about 12 am, as per instruction of the attending Doctor, he went to the blood bank of GMCH to collect blood, then one Himangshu Borah and Narayan Sarkar asked him Rs. 4,000/- for providing him blood.

4. Mr. Paramanik, learned counsel for the accused persons submits that the accused persons were arrested on 30.12.2023, and since then they have been languishing in jail hazot for last 22 days. Mr. Paramanik further submits that they are the employees of New Megnam Pharmacy and that no payment was made and that the accused persons are innocent and no way involved with the offence alleged in the FIR and that they are ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Barua, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the IO has collected sufficient incriminating materials against the accused persons and therefore, it is contended to dismiss the petition.

6. 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 learned Additional Public Prosecutor.

7. It appears that the accused persons were arrested on 30.12.2023, and since then they have been languishing in jail hazot for last 22 days. Further, it appears that the IO has collected some incriminating material in support of the allegation made in the FIR against the accused persons. But, indisputably no payment was made.

8. Having considered above and also considering the period of detention, this Court is of the view that their further custodial detention may not be unwarranted in the interest of investigation.

9. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- each only, with one surety of like amount to the satisfaction of the learned **Chief Judicial Magistrate, Kamrup [M] at Guwahati**, the accused persons be enlarged on bail.

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

11. The case diary be returned.

Comparing Assistant

JUDGE