

GAHC010033332024



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

Case No. : Bail Appln./148/2024

RUPJYOTI DAS AND ANR
S/O SRI SHYAMLAL DAS
R/O B B C COLONY
P.S. JALUKBARI
DIST. KAMRUP (METRO)
ASSAM

2: MON DEBNATH @ MITHUN DEBNATH
S/O LATE MUNINDRA DEBNATH
R/O B B C COLONY
P.S. JALUKBARI
DIST. KAMRUP (METRO)
ASSAM
VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR. U K BARMAN
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 01.03.2024

Heard Mr. U.K. Barman, learned counsel for the petitioners. Also heard Mr.

D.P. Goswami, learned Additional Public Prosecutor appearing for the State.

2. This is an application made under **Section 439 Cr.P.C.**, seeking bail by the petitioners, namely, **Rupjyoti Das and Mon Debnath @ Mithun Debnath**, in connection with **Jalukbar P.S. Case No. 740/2023**, registered under **Section 120(B)/121/121(A)/34 IPC r/w Section 10/13 of Unlawful Activities (Prevention) Act, added Section 25(1)/29 of Arms Act.**

3. The learned counsel for the petitioners submits that the allegation as levelled against the petitioners is totally false and baseless. The petitioners have not committed any offence as stated in the FIR. It is also stated that the petitioners are not FIR named accused persons. Only on suspicion, they were arrested by the police personnel. The petitioners have been languishing in jail since 19.12.2023. It is also submitted that one factory made pistol was recovered from the house of the petitioner No. 2 being handed over by the petitioner No. 1. However, under Section 25(1-a)/29 Arms Act, 1959, the statutory period of detention is 60 days. Considering the period of detention as well as the background of the case, the petitioners may be enlarged on bail.

4. On the other hand, Mr. Goswami, learned Additional Public Prosecutor for the State has vehemently objected to the prayer of the accused/petitioners by stating that the petitioners are very much involved in the alleged offence and there is sufficient incriminating materials found against the petitioners. Considering the nature of offence, the prayer of the petitioners may not be considered at this stage.

5. I have considered the submissions made by the parties. I have also perused the case diary.

6. Considering the fact as well as the length of detention of the petitioners,

this Court is of the view that further custodial interrogation of the accused-petitioners is not necessary for the purpose of investigation of the case.

7. Accordingly, the accused-petitioners, named above, shall be released on bail in connection with **Jalukbar P.S. Case No. 740/2023**, registered under **Section 120(B)/121/121(A)/34 IPC r/w Section 10/13 of Unlawful Activities (Prevention) Act, added Section 25(1)/29 of Arms Act**, on furnishing bail bond of **Rs.30,000/- each with a suitable surety each** of the like amount to the satisfaction of learned CJM, Kamrup(M), Guwahati.

8. The direction for bail is further subject to the conditions that the accused-petitioners:

(a) shall not leave the territorial jurisdiction of learned CJM, Kamrup(M), Guwahati, without prior written permission from him/her;

(b) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(c) shall not commit such offence as alleged in the FIR in future.

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

10. Return the case diary.

JUDGE

Comparing Assistant