

GAHC010010282024



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

Case No. : Bail Appln./184/2024

PARTHA PRATIM HAZARIKA
S/O LATE HEMANTA HAZARIKA
R/O VILL- BAROBHUYAN GAON,
P.O. AND P.S. SOOTEA,
PIN-784175, DIST. BISWANATH, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. P BORDOLOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 29-01-2024

Heard Mr. P. Bordoloi, learned counsel for the accused. Also heard Mr. R. J. Baruah, learned Addl. P.P. for the State respondent.

This application, under Section 439 Cr.P.C. is preferred by accused, Shri Partha Pratim Hazarika, who has been languishing in jail hajot since 06.01.2024,

in connection with Dispur P.S. Case No. 21/2024, under Section 381 IPC (G.R.Case No. 134/2024), for grant of bail.

The above noted case has been registered on the basis of an FIR lodged by one Dr.Dilip Kr. Sarma of on 03.01.2024.

The essence of allegation, made in the FIR, dated 03.01.2024, is that on 2.1.2024 at about 5-24 AM, money transfer was done from the account of the informant without his knowledge and at that point of time, his helper was present in his house with him and therefore, he suspects his involvement. The learned counsel for the accused submits that the accused was arrested on 06.01.2024, and for last 24 days, he is behind the bar and that the accused is 19 years old and he was serving in the house of the informant at the time of occurrence and he is ready to return the amount and in the event of establishing the charge against him, and therefore, it is contended to allow the petition.

On the other hand, Mr. Barua, learned Addl. P.P. submits that he has not received the case diary, but in the order dated 25.1.2024 it has been indicated that in the event of failing to produce the case diary before this Court, this Court will proceed to hear and dispose the matter without the case diary.

As the learned Addl. P.P. has failed to produce the case diary before this Court, this Court is inclined to dispose of this petition without perusing the case diary.

It appears from the record that the accused was arrested on 6.1.2024 and since then he has been languishing in jail hajot. Further, it appears that the informant suspects the involvement of the accused, who was working in his house as helper and at the time of transfer of money, on 2.1.2024, at about 5-24 AM the accused was present with him.

In view of nature of accusation and the punishment prescribed for the same and balancing the same with the period of detention, this Court is inclined to allow this petition. Accordingly, it is provided that on furnishing a bond of Rs.50,000/- with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), the accused be enlarged on bail.

JUDGE

Comparing Assistant