

GAHC010011752024



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

Case No. : Bail Appln./217/2024

TEIBOKLANG KHONGMUID AND ANR
S/O LATE K. KSHARSONHNOH
PERMANENT RESIDENT OF MYLLIEN KYNDONG, P.S. MAWNGAP
DIST. EAST KHASI HILLS,
MEGHALAYA, PIN-793121

2: RIT UMSONG
S/O HORMEN KSHEIAR
PERMANENT RESIDENT OF VILL- 15TH MILE
P.S. NONGPOH
DIST. RI-BHOI
MEGHALAYA
PIN-79310

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : M K BORAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

29.01.2024

Heard Mr. M.K. Borah, learned counsel for the accused persons and Mr.

P.S. Lahkar, 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, **Teiboklang Khongmuid and Rit Umsong**, who have been languishing in jail hazot, in connection with the **Basistha P.S. Case No. 16/2024**, under Sections 379/411 of the IPC, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by SI Ritupon Kalita, on 19.01.2024. The essence of allegations made in the FIR is that on 09.01.2024, at about 4:00 pm, he along with his staff were attending Naka checking duty at Jorabat link road and at about 5:30 pm, he found one motor cycle rider with one pillion rider coming from Nagaon side, without number plate and when asked about the documents of the motor cycle, they tried to flew away from that place and thereafter, he had apprehended them and he suspects that they had stolen the motor cycle.

4. Mr. Borah, learned counsel for the accused persons submits that the accused persons were arrested on 09.01.2024, and since then they have been languishing in jail hazot for last 21 days. Mr. Borah further submits that the motor cycle has already been recovered 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. Lahkar, 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 as well as 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 09.01.2024, and since then they have been languishing in jail hazot for last 21 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.

8. In view of the materials so far collected in the case diary and also considering the nature of accusation and balancing the same with 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