

GAHC010018562024



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

Case No. : Bail Appln./301/2024

SHIV NARAYAN RAY AND ANR.
S/O RAM VHAROS RAY R/O THIKAHI P HATHURI DIST MUZZAFARPUR
BIHAR STATE BIHAR

2: RAJESH KUMAR RAY
S/O KALI RAY R/O PACHGACHIYA P/S HATHURI DIST MUZZAFARPUR
BIHAR STATE BIHA

VERSUS

THE STATE OF ASSAM
REP BY THE The State Of Assam

Advocate for the Petitioner : PHURINGDI NAIDING

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 13.02.2024

Heard Mr. K. Thakur, learned counsel for the accused and Mr. R.J. Baruah, learned Addl. Public Prosecutor for the State respondent.

2. This application, under Section 439 Cr.P.C. is preferred by two accused persons, namely, Shiv Narayan Ray and Rajesh Kumar Ray, who have been

languishing in jail hazot in connection with Guwahati GRPS Case No. 17/2024, under Sections 120B/379/411/420 of the IPC, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by Head Constable Binod Kr. Dubey on 18.01.2024. The essence of allegation made in the FIR dated 18.01.2024 is that on the said date, at seat Nos. 21 and 22 of coach No. B-3 of Down Rajdhani Express No. 20503, at platform No. 1 of Guwahati Railway Station, the informant found the two accused persons with one piece of boat shape golden colour metal suspected to be fake gold, weighing around 1.568 kg, and seized the same in presence of witnesses preparing the seizure list.

4. Mr. Thakur, the learned counsel for the accused submits that the case has been registered under Sections 120B/379/411/420 of the IPC, yet after perusal of the FIR, no case under the said Sections can be said to be made out, and that the accused are behind the bar for last 25 days and they are ready to face trial, therefore, it is contended to allow the application.

5. On the other hand, Mr. R.J. Baruah, learned Addl. Public Prosecutor has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials against the accused persons, and therefore, Mr. Baruah has opposed the application. However, Mr. Baruah submits that the investigation has progressed significantly.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the application and the documents placed on record and also perused the case diary with the assistance of Mr. R.J. Baruah, learned Addl. Public Prosecutor.

7. It appears that the accused persons were arrested on 18.01.2024 and forwarded to jail hazot on 19.01.2024, and since then, they are languishing in

jail hazot for last 25 days. The case diary also indicates that the I.O. has achieved substantial progress in the investigation and that being so, further custodial detention of the accused persons seems to be not warranted, in the interest of investigation, and therefore, this Court is inclined to allow this application.

8. In view of the above, it is provided that on furnishing a bond of Rs. 50,000/- each, with one surety of like amount, to the satisfaction of the learned CJM, Kamrup(M), Guwahati, the accused persons be enlarged on bail.

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

10. Case diary be returned.

JUDGE

Comparing Assistant