

GAHC010027232024



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

Case No. : Bail Appln./417/2024

RANDHIR RAY
R/O VILL- BEHAT, WARD NO. 4,
P.S. SINGHIYA, DIST. SAMASTIPUR, BIHAR.

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MD A RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 29.02.2024

Heard Mr. A. Rahman, learned counsel for the accused. Also heard Mr. R.J. Baruah, learned Addl. Public Prosecutor for the State respondent.

2. This petition, under Section 439 Cr.P.C. is preferred by the accused, namely, Randhir Ray, who has been languishing in jail hazot in connection with Dispur P.S. Case No. 45/2024, under Section 381 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 one Ajit Bagri on 11.01.2024. The essence of allegation made in the FIR dated 11.01.2024 is that on that day, at about 4 p.m., after the kids of the informant returned home from school, they found their mobile phones missing from the drawer and thereafter, when they tried to search the mobile phones, they came to know that other valuable items like jewellery, cash, watches, airpods etc. were also missing, and that one domestic help, namely, Randhir Ray, who was working in his house for last two years, was also found to be missing and his mobile phone was also found to be switch off. Later on, after checking the CCTV footage of the building, they came to now that he left the building along with his baggage at 11:58 a.m., and they found that two one plus mobile phones, one apple airpods, two gold and diamond bangles, one gold and diamond bracelet, one swarooky make watch, one Michael kors watch, cash of Rs. 1,00,000/-, two red coloured gold bangles, two solitaire rings, one gold chain with locket, one gold and diamond bangles and one silver coloured watch, total amounting to Rs. 22,43,998/-, were missing.

4. Mr. Rahman, learned counsel for the accused submits that the accused was arrested on 19.01.2024, and since then he has been languishing in jail hazot for last 41 days and considering the length of detention, the learned counsel for the accused has contended to allow the petition.

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 accused hails from Bihar and he was apprehended at Bihar and the stolen articles were recovered from his house at Bihar, and that investigation is going on and therefore, Mr. Baruah has opposed the petition.

6. Having heard the submission 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 Mr. Baruah, learned Addl. Public Prosecutor.

7. The case diary indicates that the I.O. has collected sufficient incriminating materials in support of the allegation made in the FIR. It also appears that investigation is going on and having regards to the nature and gravity of the offence, this Court is of the view that this is not a fit case where the privilege of bail can be granted to the accused and accordingly, this bail application stands dismissed.

8. Case diary be returned.

JUDGE

Comparing Assistant