

GAHC010029402024



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

Case No. : Bail Appln./425/2024

DHRUBA BAIDYA @ DHURABA BAIDYA
S/O LATE DULAL BAIDYA
R/O BHAKARIVITA, P.O. AND P.S. BONGAIGAON,
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR.
REP BY THE PP ASSAM

2:SMT. PUTUL KUMARI
W/O SURAJ KR. DAS
R/O NEW COLONY
RLY QTR
NO. 406/A
(NEAR BALAJI MANDIR)
P.S. AND DIST. BONGAIGAO

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

07.03.2024

Heard Mr. S.C. Biswas, learned counsel for the accused and Mr. R.J. Barua, 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 namely, **Dhruba Baidya @ Dhuraba Baidya**, who has been languishing in jail hazot, in connection with the **Bongaigaon P.S. Case No. 11/2024**, under Section 365 of the IPC, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by one Putul Kumari, on 08.01.2024. The essence of allegations made in the FIR is that on 04.01.2024, at about 8:30 am, her minor daughter Smti 'X' (name withheld), aged 15 years went missing from road, while she was proceeding to school and later on, she came to know that one Dhruba Baidya had kidnapped her minor daughter and kept her concealed in an unknown place.

4. Mr. Biswas, learned counsel for the accused submits that the accused was arrested on 09.01.2024, and since then he has been languishing in jail hazot for last 59 days. Mr. Biswas further submits that there was love affair between the accused and the victim girl and that the victim girl has already been recovered and handed over to her mother. Mr. Biswas also submits that the accused is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Barua, learned Additional Public Prosecutor submits that he has not received the case diary, but he has the instruction that the I.O. has already completed investigation and laid Charge-Sheet against the accused, under Section 365 of the IPC, vide Charge-Sheet No. 31/2024, dated 27.02.2024.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record.

7. It appears that the accused was arrested on 09.01.2024, and since

then he has been languishing in jail hazot for last 59 days. Further, it appears that the I.O. has already completed investigation and laid Charge-Sheet against the accused, under Section 365 of the IPC, vide Charge-Sheet No. 31/2024, dated 27.02.2024.

8. Since the investigating has already culminated in submission of charge sheet before the learned court below, this Court is of the view that further custodial detention of the accused may not be warranted, in the interest of investigation. Now the trial will start and the accused has to prepare his defence.

9. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the learned **Chief Judicial Magistrate, Bongaigaon**, the accused be enlarged on bail.

10. In terms of above, this bail application stands disposed of.

Comparing Assistant

JUDGE