

GAHC010032232024



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

Case No. : Bail Appln./463/2024

INDRAJIT RAY
S/O BIMAL CH RAY,
R/O VILL. PAWACHARA, P.S AGAMONI, DIST DHUBRI, ASSAM
PRESENT ADD- BELTOLA,
BHAGADUTTAPUR,
HOUSE NO. 23, P.S. HATIGAON

VERSUS

THE STATE OF ASSAM
REP.BY PP, ASSAM

Advocate for the Petitioner : MR. N J DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 22.02.2024

Heard Mr. N. Ahmed, learned counsel for the accused. Also heard Mr. B. Sarma, learned Addl. Public Prosecutor for the State respondents.

2. This application, under Section 439 Cr.P.C. is preferred by the accused,

namely, Indrajit Ray, who has been languishing in jail hazot in connection with Basistha P.S. Case No. 61/2024, under Section 379 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 Dimbeswar Kakati on 27.01.2024. The essence of allegation made in the FIR dated 27.01.2024 is that on 29.12.2023, two miscreants, namely, Indra Ray and Nazrul, have stolen his E-Rickshaw, bearing Registration No. AS01/ER4769, from Bongaon, Beltola, Guwahati.

4. Mr. Ahmed, learned counsel for the accused submits that the accused was arrested on 27.01.2024, and since then he has been languishing in jail hazot for last 27 days, and that he is no way involved in the offence alleged in the FIR and therefore, it is contended to allow this application.

5. On the other hand, Mr. B. Sarma, learned Addl. Public Prosecutor has produced the case diary before this Court and submits that the stolen E-Rickshaw has not been recovered yet and investigation is going on and the co-accused are yet to be arrested, and if the accused is enlarged on bail, it will disturb the investigation.

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. Sarma, 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, investigation is still going on and the stolen E-Rickshaw is yet to be recovered and the co-accused are yet to be arrested, and as such, enlarging the accused on bail at this stage will misdirect the investigation.

8. Accordingly, this Court is of the view that this is not a fit case where the

privilege of bail can be granted to the accused at this stage and accordingly, the bail application stands dismissed.

9. Case diary be returned.

JUDGE

Comparing Assistant