

GAHC010033942024



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

Case No. : Bail Appln./478/2024

BABUL ROY
S/O LATE SATISH ROY
R/O LAKHI NAGAR, BAMUNIMAIDAM,
P.S. CHANDMARI,
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S HOQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 28.02.2024

Heard Mr. S. Hoque, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure praying for grant of bail to the accused/petitioner, who has been arrested in connection with Sonapur P.S. Case No. 01/2024, under Sections 379/411/413/279/307/34 of the Indian Penal Code.

Case Diary, as called for vide order dated 21.02.2024, has not been received.

It is submitted by Mr. S. Hoque, learned counsel for the petitioner, that the present accused/petitioner is innocent and he is no way involved in the alleged offence and he went with the other co-accused persons only to visit Sonapur, but they were caught by some local persons and handed over to police and for last 57 days, he is in custody. He has no criminal antecedent and is not involved in any other offence to attract Sections 413/307 of the Indian Penal Code. However, he is ready and willing to extend his full cooperation in the further investigation of the case if he is granted with the privilege of bail.

In this context, Mr. Borthakur, learned Additional Public Prosecutor, has submitted that from the forwarding report, it is seen that the accused has already committed similar kind of offence on earlier occasion also, though the case numbers are not found in the forwarding report. He further submitted that the accused/petitioner may be a habitual offender and thus, Section 413 of the Indian Penal Code is very well attract against the present accused/petitioner.

Considering the submissions made by the learned counsels for both sides and also considering the length of detention already undergone by the

accused/petitioner, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioner keeping him in the custody and accordingly, without going into the merit of the case and solely on the ground of length of detention, I find it justified to allow the accused/petitioner to go on bail.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, the accused/petitioner, namely, Shri Babul Roy, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall fully co-operate with the investigation of the case and shall appear before the Investigating Officer as and when required in connection with the investigation of the aforesaid P.S. Case;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- (iii) that the petitioner shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, without prior permission.

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

JUDGE

Comparing Assistant