

GAHC010045102024



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

Case No. : Bail Appln./693/2024

HIRAK JYOTI CHOUDHURY
S/O DIMBESWAR CHOUDHURY
R/O VILL- KAMALAJHAR
P.S. SONAPUR
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MS. P BORAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

21.03.2024

Heard Ms. P. Borah, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor, Assam for the State respondents.

This is an application under Section 439 Cr.P.C. praying for granting bail to the petitioner, namely, **Hirak Jyoti Choudhury**, who was arrested on 12.02.2024 in connection with **Garchuk Police Station Case No.56/2024** registered under Sections 365/392/413 IPC (G.R. Case No.787/2024).

The case of the prosecution is that on 12.02.2024, an FIR was lodged alleging *inter alia* that on 11.02.2024 at about 11-30 AM when the informant received pure gold weighing 1.5 kg on behalf of his owner and went from ISBT, Betkuchi to Paltanbazar, then four numbers of unknown persons in a Scorpio vehicle forcefully pulled him and grabbed the gold articles and accordingly, a case was registered.

Ms. P. Borah, learned counsel for the petitioner submits that the petitioner is in no way involved in the case. She submits that the petitioner has been falsely implicated in the case. She further submits that the petitioner is a student, who is pursuing his study and has not committed any offence whatsoever earlier.

On the other hand, Mr. D. Das, learned Additional Public Prosecutor, Assam strongly opposes the prayer for bail. He submits that the petitioner was engaged by one Rahul Pawar to commit the crime alleged and the petitioner along with other three boys had taken his father's vehicle and committed the crime alleged. He further submits that the investigation is at active stage and the entire gold has not been recovered.

I have heard the learned counsel for the parties and perused the materials

available on the record.

It appears that the investigation is going on and the entire articles have not been recovered. It further appears that in order to unearth the truth, further detention of the petitioner is required.

As such, this Court is of the considered view that the petitioner cannot be granted bail at this stage and accordingly, his prayer for bail is rejected.

With the aforesaid observations, this bail application is disposed of.

Send back the case diary.

JUDGE

Comparing Assistant