

GAHC010057362024



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

Case No. : AB/743/2024

MANASH KONWAR
S/O SRI KULA KONWAR, R/O VILL- KONWAR GAON, P.O.-NORTH
LAKHIMPUR, P.S.-NORTH LAKHIMPUR, DIST- LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR S GOGOI

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 10.04.2024

- 1)** Heard Ms. A. Gogoi, learned counsel for the petitioner. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor for the State respondent.
- 2)** This application has been preferred under Section 438 of Code of Criminal Procedure, 1973, by the petitioner, namely, Manas Konwar, who is apprehending his arrest in connection with North Lakhimpur P. S. Case No. 46/2024 corresponding to G. R. Case No. 136/2024 registered under Section 379 of the Indian Penal Code.
- 3)** The gist of the accusation in this case against the present petitioner is that on 26.02.2024 one Abinash Changmai had lodged an FIR that his Pulsar N-160 motorcycle bearing Registration No. AS-07W/7383 was found missing from K. B. Road near K.N. Das Chamber.
- 4)** Learned counsel for the petitioner has submitted that the petitioner is not involved in the offense, which has been alleged in the FIR.
- 5)** It is also submitted that the petitioner is ready to cooperate with the Investigating Officer.
- 6)** On the other hand, learned Additional Public Prosecutor has opposed the grant of bail to present petitioner and has produced the case diary of North Lakhimpur P. S. Case No. 46/2024. Learned Additional Public Prosecutor has submitted that the stolen bike has been recovered.
- 7)** It is submitted by the learned Additional Public Prosecutor that some of the co-accused who are arrested have implicated the present petitioner to the extent that the petitioner was involved with those persons in committing similar offense on earlier occasions.

8) I have considered the submissions made by both the sides and perused the case diary of North Lakhimpur P. S. Case No. 46/2024.

9) It appears from record that the stolen bike has already been recovered and same has not been recovered from the possession of the petitioner.

10) It also appears that though some of the co-accused have implicated the present petitioner of having been involved in similar other cases, however, no specific allegations regarding theft of the present bike regarding involvement of the petitioner.

11) However, prima-facie, there is no implicating material against the present petitioner being involvement in the instant case.

12) In view of the above, the petitioner, namely, Manas Konwar is hereby directed to appear before the Investigating Officer of North Lakhimpur P. S. Case No. 46/2024 within a period of 10 days from the date of this order and co-operate with the Investigating Officer in fair completion of investigation. If he does so within the said period, in the event of his/her arrest in connection with North Lakhimpur P. S. Case No. 46/2024, he shall be allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only), with one surety of like amount to the satisfaction of the arresting authority subject to the following conditions:

- i. That the petitioner shall co-operate in the investigation.
- ii. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case, so as to dissuade such person from disclosing such facts of the case before the Investigating Officer.

13) Send back the case diary.

JUDGE

Comparing Assistant