

GAHC010069992024



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

Case No. : Bail Appln./978/2024

BHUGEN CHANDRA BORDOLOI AND ANR.
S/O MANESWAR BORDOLOI
R/O PACHIM SALMARA
P.S. RAHA
DIST. NAGAON, ASSAM

2: NARUTTAM DHAR
S/O LATE NARESH CH. DHAR
R/O MAHABBARALI
P.S. RUPAHIHAT
DIST. NAGAON
ASSA

VERSUS

THE UNION OF INDIA
REPRESENTED BY DEPUTY S.G.I.

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : DY.S.G.I.

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 04.04.2024

Heard Mr. S.M. Abdullah P, learned counsel for the petitioners. Also heard

Ms. A. Gayan, learned Standing counsel, Railway Department.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the petitioners, namely, **Bhugen Chandra Bordoloi and Naruttam Dhar**, in connection with **RPF/Post/CPK Case No. 98/2024**, registered under **Section 143 of Railway Act**.

The learned counsel for the petitioners submits that a case has been registered under Section 143 of Railway Act against the petitioners. It is further submitted that three railway tickets were recovered from the possession of the petitioner No. 2 and the petitioner No. 1 is the employee of petitioner No. 2. According to the learned counsel for the petitioners that Section 143 of Railway Act is bailable in nature. The petitioners are no way involved in alleged offence as stated in the FIR. It is also submitted that the petitioners have been detained in custody since 21.03.2024. Considering the background of the case as well as nature of offence, the petitioners may be enlarged on bail.

In support of his submissions, the learned counsel for the petitioners has placed reliance on the following case laws-

- (i) Munna Kumar vs. State through NCT of Delhi, reported in 2005 SCC OnLine Del 502.
- (ii) Aditya Singh vs. Union of India, reported in 2017 SCC OnLine Chh 918.

On the other hand, Ms. Gayan, learned Standing counsel, Railway Department submits that section 143 of Railway Act is bailable in nature. Considering the fact, the bail may be granted to the petitioners.

I have considered the submissions made by the parties. Considering the fact as well as the offence as stated in the FIR is bailable in nature, bail is granted to the petitioners.

Accordingly, the accused-petitioners, named above, shall be released on bail in connection with **RPF/Post/CPK Case No. 98/2024**, registered under **Section 143 of Railway Act**, on furnishing bail bond of **Rs.20,000/- each with a suitable surety each** of the like amount to the satisfaction of learned Special Railway Magistrate, Kamrup(M), Guwahati, Assam.

The direction for bail is further subject to the conditions that the accused-petitioners:

- (a) shall not leave the territorial jurisdiction of learned Special Railway Magistrate, Kamrup(M), Guwahati, Assam, without prior written permission from him/her;
- (b) 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 them from disclosing such facts to the Court or to any police officer.

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

JUDGE

Comparing Assistant