

GAHC010071052024



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

Case No. : Bail Appln./990/2024

HIRAK JYOTI CHOUDHURY
S/O DIMBESWAR CHOUDHURY
RESIDENT OF VILLAGE KAMALAJHAR, PS SONAPUR, DIST KAMRUP M
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY PP ASSAM

Advocate for the Petitioner : MS. P BORAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

O R D E R

09.04.2024.

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

2. This is the second application filed under Section 439 of the Cr.P.C., 1973 for granting regular bail to the petitioner, namely, Hirak Jyoti Choudhury who was arrested on 12.02.2024, in connection with the Garchuk P.S. Case

No.56/2024, registered under Sections 365/392/413 of the IPC (G.R. Case No.787/2024).

3. The case of the prosecution is that on 11.12.2024, an FIR was lodged alleging *inter alia* that on 11.02.2024 at about 11.30 A.M., when the informant received Pure Gold weighing 1.5 Kg. on behalf of his owner and went from ISBT, Betkuchi to Paltanbazar, four numbers of unknown persons in a Scorpio vehicle forcefully pulled him and grabbed the gold articles and accordingly a case was registered.

4. Be it pertinent to mention herein that this Court by the order dated 21.03.2024 in BA No.693/2024 had earlier rejected the bail application of the petitioner.

5. Ms. P. Borah, learned counsel for the petitioner submits that the petitioner has been languishing in the jail since last 58 days and other co-accused has already been granted bail by this Hon'ble Court. She further submits that the petitioner is pursuing the Bachelor of Social Works course and in connection with the aforesaid course, his examination is scheduled on 18.04.2024 to 27.04.2024.

6. On the other hand, Mr. D. Das, learned Addl. P.P., Assam for the State respondents strongly opposes the bail prayer. He submits that the petitioner by taking his father's Scorpio vehicle has committed the alleged offence.

7. I heard the submission made at the Bar and have also perused the materials available on record.

8. Considering the length of detention and totality of the facts of the case, this Court is of the considered view that further detention of the petitioner may not be justified for the ongoing investigation.

9. Accordingly, it is provided that the petitioner, named above, shall be released on bail in connection with the above noted case on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousands) only with one surety of like amount, to the satisfaction of the learned CJM, Kamrup (M) at Guwahati.

10. The bail granted to the petitioner shall be subject to the following conditions-

- i) The petitioner shall co-operate with the investigation,
- ii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade such person from disclosing such facts to the Court or to any Police Officer; and
- iii) The petitioner shall refrain from such activities with which he is alleged, failing which, bail order shall stand cancelled.

11. With the above observation, this bail application stands allowed and disposed of.

12. Send back the case diary forthwith.

JUDGE

Comparing Assistant