

GAHC010078512024



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

Case No. : Bail Appln./1133/2024

LAKHYAJIT DEB GOSWAMI
SON OF SRI JADAV CH. GOSWAMI, VILLAGE-BALI SATRA, P.O. AND P.S.-
BATADRAVA, DISTRICT-NAGAON, ASSAM, PIN - 782122.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P., ASSAM.

Advocate for the Petitioner : MR H BARUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

15.05.2024

Heard Mr. P.P. Phukan, learned counsel for the accused and also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is

preferred by accused, namely, Shri Lakhyajit Deb Goswami, who has been languishing in jail hazot since 28.03.2024, in connection with Dokmoka P.S. Case No.01/2024 under Section 403/406/419/420/34 IPC, for grant of bail.

3. It is to be noted here that the above noted case has been registered on the basis of an FIR lodged by one Rajen Tirki, on 06.03.2024. The essence of allegation made in the aforesaid FIR is that on 27.02.2024, two persons, namely, Lakhyajit Deb Goswami and one Ankur Bora had taken the tractor of the informant Rajen Tirki, on the condition that they will provide a good tractor to him and they also told him that if he wants to exchange the tractor, then he had to pay a sum of ₹ 30,000/- to them and thereafter, they have taken him to a tractor dealer of Nagaon and from there, they have fled away.

4. Mr. Phukan, learned counsel for the accused, submits that the accused was arrested on 28.03.2024 and since then he has been languishing in jail hazot for last 49 days. Further, Mr. Phukan submits that the accused is suffering from mental ailments and he has been taking treatment at LGB Regional Institute of Mental Health, Tezpur and in support of his contention, Mr. Phukan has referred to Annexure-A and B at page Nos.12 and 13 of the petition. Mr. Phukan further submits that the tractor, which the present accused and one Ankur Bora had taken away from the informant, has already been recovered and seized by police and that the accused is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam, submits that the I.O. has collected some materials in support of the allegation made in the FIR and therefore, Mr. Gogoi has opposed the petition.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Gogoi, learned Additional P.P.

7. It appears from the case diary that the I.O. has achieved substantial progress in the investigation of this case and the accused has been languishing in jail hazot for last 49 days since his date of his arrest i.e. on 28.03.2024 and that the accused is also suffering from mental ailments, in view of the documents annexed at page Nos.12 and 13 of the petition and in view of the progress of investigation as well as the length of detention of the accused in jail hazot, his further custodial detention, in the interest of investigation, seems to be not warranted here in this case and therefore, this Court is inclined to allow this petition.

8. It is provided that on furnishing a bond of ₹ 50,000/- with one surety of the like amount to the satisfaction of the learned C.J.M., Karbi Anglong, the accused, namely, Shri Lakhyajit Deb Goswami, be enlarged on bail.

9. In terms of above, this bail application stands disposed of. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant