

GAHC010080682024



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

Case No. : Bail Appln./1159/2024

THOMAS LANGTHASA @ BONUS
S/O- THARBANG LANGTHASA, RESIDENT OF ADHARSA GAON, DHANSIRI,
P.O. DHANSIRI, P.S. DIPHU, DISTRICT- KARBI ANGLONG, ASSAM, PIN NO.-
782470

VERSUS

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

Advocate for the Petitioner : MR. N K MURRY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 20-05-2024

Heard Mr. N.K. Murry learned counsel for the applicant/petitioner. Also heard Mr. B Sarma learned Addl. PP, appearing for the State of Assam.

This is an application under section 439 of the Cr.P.C praying

for bail of the applicant namely, Sri Thomas Langthasa @ Bonus who was arrested on 24.02.2024 in connection with Diphu PS Case No.10/2024 under sections 120(B)/387/34 IPC read with section 25(1A)/25(1)(a)/35 of Arms Act read with section 4/5 of ES Act (GR No.31/2024).

An FIR was lodged by one J.S. Khobung, inspector of police alleging that on the basis of a specific input regarding dealing of illegal arms by a group of miscreants in Karbi Anglong district, two accused persons namely, Manik Haflongbar and Nijesh Langthasa were picked up as suspect from Diphu town area and they disclosed that they are involved in arms dealing and another persons namely, Raju Langthasa who is a resident of Dima Hasao district is also a part of the aforesaid gang. Accordingly said Raju Langthasa was also picked up, who led to recovery of one AK-47 series rifle with Magazine, three numbers of pistols with magazines, three numbers of live hand grenades and accordingly the aforesaid accused persons were arrested.

The petitioner and the co accused namely Kumud Phonglo @ Rothai were subsequently arrested and one handmade single barrel gun was recovered from Kumud Phonglo.

The learned counsel for the petitioner contends that nothing has been recovered from the present petitioner inasmuch as he has been arrested on the basis of the statement of the co accused. It is the further contention of the petitioner that the petitioner has been in custody for the last 86 days and therefore considering the above, the petitioner may be granted bail.

Perused the case diary and the materials available on record.

The case diary reveals sufficient incriminating materials against the petitioner as well as the other accused persons.

Considering the nature of allegation, recovery of arms and ammunition and also in view of the submission of the Addl. PP that the further custody of the petitioner may be necessary inasmuch as they are in search of some other accused persons, who are also involved in this case, this court is of the view that the petitioner has not been able to make out a case for grant of bail and accordingly the present application stands dismissed.

Return the case diary.

JUDGE

Comparing Assistant