

GAHC010084212024



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

Case No. : Bail Appln./1229/2024

ROBINSON ENGTI
S/O HARI CH. ENGTI
R/O VILL- RONGUAGOR,
P.S. BAKALIA
DIST. KARBI ANGLONG,

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : J DASGUPTA
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY
ORDER

30.04.2024

Heard Mr. T. Kalita, learned counsel for the accused-petitioner and Mr. B.B. Gogoi, learned Additional Public Prosecutor for the respondent State of Assam.

2. By this application under Section 439, Code of Criminal Procedure, 1973 [CrPC], the accused-petitioner viz. Sri Robinson Engti has prayed for his release on bail in connection with Sipajhar Police Station Case no. 44/2024 registered under Sections 461/380/429/34, Indian Penal Code [IPC].

3. The First Information Report [FIR] before the Officer In-Charge, Sipajhar Police Station

was lodged by the informant on 04.04.2024 inter alia with the allegation that his pet dog was lifted from inside his house premises at around 05-42 a.m. on 02.04.2024 by unknown miscreants. From the CCTV footage installed at his house premises, the informant came to know that his pet dog was lifted by the driver and the occupant of a vehicle bearing registration no. AS-09/K-1776 [Maruti Car].

4. In the course of investigation, three accused persons including the accused-petitioner, were arrested based on the CCTV footage installed in the house premises of the informant. After arrest, the three arrested accused persons including the accused-petitioner, were produced before the Court of learned Chief Judicial Magistrate, Darrang, Mangaldoi on 06.04.2024 and since then, the accused-petitioner is in custody.

5. It is submitted by the learned counsel for the accused-petitioner that since the main evidence as regards the alleged offence of theft would be the CCTV footage and the same has already been collected, there is no necessity for further detention of the accused-petitioner as the accused-petitioner is been in custody for a period of 25 days since 06.04.2024.

6. Mr. Gogoi, learned Additional Public Prosecutor has submitted that the investigation of the case is in progress and he may be allowed to call for the concerned case diary.

7. I have considered the submissions of the learned counsel for the parties.

8. The allegation made in the FIR is to the effect that the pet dog of the informant was lifted on 02.04.2024 from inside his house premises. It appears from the FIR and the forwarding report that the case would be primarily based on the basis of the CCTV footage. Based on the said CCTV footage, the three accused persons including the accused-petitioner, were arrested on 06.04.2024.

9. Having regard to the nature of allegations made in the FIR and considering the fact that the accused-petitioner is in custody for a period of 25 days since 06.04.2024, this Court

is of the considered view that further custodial detention of the accused-petitioner is not necessary for the purpose of carrying out further investigation of the case and his release on bail, at this stage of investigation, is unlikely to cause any adverse effect in the further investigation of the case, provided he continues to extend his assistance and co-operation in the further investigation of the case.

10. Accordingly, it is directed that the accused-petitioner shall be released on bail on furnishing a bail bond of Rs. 25,000/- with one local surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Darrang, Mangaldoi subject to the conditions that :-

- [i] the accused-petitioner shall co-operate with the investigation and make himself available for interrogation whenever required by the Investigating Officer [I.O.] of the case;
- [ii] the accused-petitioner shall not, directly or indirectly, make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
- [iii] the accused-petitioner shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
- [iv] the accused-petitioner shall maintain law and order and he shall not commit an offence similar to the offence of which he is accused, or of the commission of which he is suspected; and
- [v] the accused-petitioner shall regularly remain present during the trial and co-operate the Court to complete the trial for the above offences, if charge sheeted in the case.

11. The bail application stands disposed of in the aforesaid terms.

JUDGE

Comparing Assistant