

GAHC010087742024



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

Case No. : Bail Appln./1277/2024

DHIRAJ DAS
S/OLT. BIDESWAR RAI
R/O NARENGI FOREST GATE YUBA NAGAR,
P.S. NOONMATI
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR D MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 15.05.2024

Heard Mr. D. Medhi, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Addl. P.P., Assam for the State respondent.

This is an application under Section 439 of the Cr.P.C. for granting bail to the accused/petitioner, namely, Dhiraj Das in Connection with Paltan Bazar P.S. case No. 62/2024 registered under Sections 392/411 of the IPC.

The C.D. has been received.

I have perused the same.

It is submitted by Mr. Medhi, learned counsel for the petitioner that initially the FIR was registered under Section 392 of the IPC but subsequently, on the prayer made by the Investigating Officer Section 411 of the IPC added and the allegation against the present petitioner may only attract Section 411 of the IPC. During investigation police has recovered one mobile handset from the possession of arrested accused person which is duly seized by the police.

In this context Mr. P. Borthakur, the learned Addl. P.P. has submitted that from the materials in the case diary it is seen that the police has received the stolen property from the possession of the accused petitioner and there is also other allegations against the present petitioner.

Considering the submissions made by the learned counsel for the both the sides and also considering the materials available in the case diary, I find that further custodial interrogation may not be necessary for investigation.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of the like amount to the satisfaction of the learned CJM, Kamrup (M) the petitioner, named above, be enlarged on bail, subject to the following conditions :

1. that the accused petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
 2. that the petitioner 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 him from disclosing such facts to the Court or to any Police Officer; and
 3. that the petitioner shall make himself available for interrogation by the I.O. as and when required;
- The bail application is disposed of.

JUDGE

Comparing Assistant