

GAHC010091122024



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

Case No. : Bail Appln./1333/2024

RUPAM DAS
S/O TRAILAKYA DAS, R/O RAMESH TINIALI, BIRKUCHI, P.S.-NOONMATI,
DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N ALAM R K

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 10.05.2024

Heard Mr. N. Alam R.K., learned counsel for the accused and Mr. B.B. Gogoi, learned Addl. Public Prosecutor for the State respondent.

2. This petition, under Section 439 Cr.P.C. is preferred by the accused, namely, Rupam Das, who has been languishing in jail hazot in connection with Noonmati P.S. Case No. 91/2024, under Section 381 of the IPC, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Debendra Thapa on 24.04.2024. The essence of allegation made in the FIR dated 24.04.2024 is that one Rupam Das, who was working as a Delivery Boy in Instracar Service Pvt. Ltd., situated at Patharquerry, took some parcels from the office to deliver the same to customers. But, instead of delivering the same to the customers, he had stolen the same for his personal use and after having searched his house, some stolen articles, namely, one Logitech keyboard, one JBL mic (CSSM100), one Logitech mouse, one RAM board, one motherboard etc, were recovered.

4. Mr. Alam R.K., the learned counsel for the accused submits that the accused was arrested on 26.04.2024 and since then, he has been languishing in jail hazot for last 15 days and that the stolen articles have already been recovered from his possession and as such, his further custodial detention may not be required in the interest of investigation, and therefore, it is contended to allow the petition.

5. On the other hand, Mr. B.B. Gogoi, learned Addl. Public Prosecutor, referring to the seizure list and also to the forwarding report, submits that the stolen articles have already been recovered.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record.

7. It appears that the accused was arrested on 26.04.2024 and since then, he has been languishing in jail hazot for last 15 days. Further, it appears that the stolen articles have been recovered from his possession.

8. Since the stolen articles have already been recovered and the accused has also been languishing in jail hazot for last 15 days, his further custodial detention seems to be not warranted here in this case and therefore, this Court

is inclined to allow the petition. It is provided that on furnishing a bond of Rs. 50,000/- with one surety of like amount, to the satisfaction of the learned CJM, Kamrup(M), Guwahati, the accused be enlarged on bail.

9. In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant