

GAHC010100102024



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

Case No. : Bail Appln./1436/2024

NIRMAL NATH
S/O LATE RAKESH NATH
VILL- BARUYALA
P.S. RAM KRISHNA NAGAR
DIST. KARIMGANJ, ASSAM

VERSUS

THE STATE OF ASSAM
BEING REPRESENTED BY THE PP, TO THE GOVT. OF ASSAM.

Advocate for the Petitioner : MR. A M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

03.06.2024

Heard Mr. A.M. Khan, learned counsel for the accused and also heard Mr. P.S. Lahkar, 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, Nirmal Nath, who has been languishing in jail hazot since 26.04.2024, in connection with Hatigaon P.S. Case No.24/2024, under Section 457/380 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 Minakshi Sharma, on 18.02.2024. The essence of allegation made in the aforesaid FIR is that on the night of 18.02.2024, some unknown miscreants entered into her house by breaking the lock of the door and stolen away various kinds of ornaments of gold of worth ₹ 5,00,000/- including gold bangles (3 pairs), gold rings (7 nos.), gold chain (4 nos.), ear rings (4 pairs), coin of different countries and silk cothes (10-12 nos.).

4. Mr. Khan, 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 38 days and further, Mr. Khan submits that one of the co-accused has already been enlarged on bail by this Court, vide order dated 15.05.2024 in Bail Appln. No.1297/2024 and the present accused is also stands in the same footing and that he will cooperate with the investigating agency and therefore, Mr. Khan contended to allow the petition.

5. On the other hand, Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials in support of the allegation made in the FIR and the accused himself admitted having involved in the offence alleged in the FIR and one of the gold chains has already been recovered from his possession and therefore, Mr. Lahkar 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. Lahkar, learned Additional P.P.

7. The case diary indicates that the I.O. has collected some incriminating materials against the accused. But it also appears that the I.O. has achieved substantial progress in

the investigation and it also appears that all the accused persons have been arrested here in this case and the present accused is languishing in jail hazot for last 38 days and balancing the period of detention with the nature and gravity of the offence and also considering the fact that one of the co-accused has already been granted bail by this Court, vide order dated 15.05.2024 in Bail Appln. No.1297/2024, this Court is inclined to allow this petition. Accordingly, 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., Kamrup(M), the accused, namely, Nirmal Nath, be enlarged on bail. Case diary be returned.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant