

GAHC010102502024



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

Case No. : Bail Appln./1499/2024

KASIF
S/O LATE SABIR ALI
R/O HOUSE NO. B-372, GALI NO. 03, INDER VIHAR, OLD MUSTAFABAD, P.S.
GOKULPURI
DIST. NORTH EAST DELHI, INDIA
PIN-110001

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

28.05.2024

Heard Mr. A. Khan, learned counsel for the accused and also heard Mr. K. Baishya, 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, Kasif, who has been languishing in jail hazot since 23.04.2024, in connection with Gorchuk P.S. Case No.239/2022, under Section 379 IPC and added Section 411/413/34 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 Hirakjyoti Bezbaruah of N.R. Electricals, on 08.08.2022. The essence of allegation made in the aforesaid FIR is that some unknown persons have committed theft of one battery bank of 600 AH capacity comprising of 6 cells and terminal strip of 23 pieces from ATC site (Global Id 553173, Site Name Gorchur, near ISBT).

4. Mr. Khan, learned counsel for the accused, submits that the accused was shown arrested here in this case on 23.04.2024 and earlier he was arrested on 09.04.2024, in connection with Musalpur P.S. Case No.33/2024, and further, learned counsel for the accused submits that nothing has been recovered from the possession of the accused and he is behind the bar for last 36 days and therefore, it is contended to allow this petition.

5. On the other hand, Mr. K. Baishya, learned Additional Public Prosecutor, Assam, submits that at this stage, the case diary may be called for.

6. Having heard the submissions 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 has been shown arrested here in this case on 23.04.2024 and for last 36 days he has been languishing in jail hazot. The accused was earlier arrested in connection with Musalpur P.S. Case No.33/2024 and further, it appears from the forwarding report dated 26.04.2024, that nothing has been recovered from his possession. The occurrence also took place more than one year ago.

8. Having considered above, specially the length of detention, this Court is of the view that further custodial detention of the accused may not be required in the interest of investigation and therefore, this Court is inclined to allow this petition. 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, Kasif, be enlarged on bail.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant