

GAHC010109512024



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

Case No. : Bail Appln./1585/2024

BIPUL GHOSH
S/O SRI MANORANJAN GHOSH
R/O ULIAMGURI
P.S. TEZPUR
DIST. SONITPUR, ASSAM
PIN-784001

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 03-06-2024

Heard Mr. S.C. Biswas, learned counsel for the petitioner Bipul Ghosh.

2. The petitioner has filed this application under Section 439 of the Code of Criminal Procedure, 1973 as he is behind bars since 18.05.2023 in connection

with Tezpur Police Station Case No. 271/2024 under Sections 447/427/307/34 of the Indian Penal Code, 1860.

3. Heard Ms. S. Jahan, learned Additional Public Prosecutor, Assam for the respondent State.

4. I have considered the submissions at the bar and I have perused the FIR.

5. The allegation against the petitioner is that the petitioner along with the co-accused named in the FIR demolished the house belonging to the informant which resulted in loss of Rs.2,00,000/- (Rupees Two Lacs). When the informant tried to resist, the petitioner instructed the driver to kill the informant.

6. The learned Additional Public Prosecutor has raised objection stating that the house was ransacked and demolished by the accused persons.

7. I have considered the submission on behalf of the petitioner that the petitioner has been behind bars since 18.05.2024. The petitioner is a local resident and he is willing to cooperate with the remaining part of investigation. It appears that further custodial detention may not be required for the progress of investigation.

8. Considering all aspects and in view of my foregoing discussions, petition is allowed.

9. The petitioner is enlarged on bail on furnishing a bail bond of *Rs.30,000/- (Rupees Thirty Thousand)* with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Sonitpur under the conditions that:

(i) *The petitioner shall refrain from such activities with which he is alleged.*

(ii) The petitioner shall not exercise threats to the witnesses.

(iii) The petitioner shall not leave the jurisdiction of the Court without prior permission till completion of investigation.

10. On breach of any of the bail conditions, bail order shall stand cancelled.

11. In the above terms and conditions, this Bail Application stands disposed of.

JUDGE

Comparing Assistant