

GAHC010116132024



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

Case No. : Bail Appln./1694/2024

BHOLA DEY
S/O GANESH DEY
R/O 15 MILE BYRNIHAT
P.S. SONAPUR
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 MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 19-06-2024

- 1.** Heard Mr. K. Thakur, learned counsel for the petitioner. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor for the State.

- 2.** This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, *Bhola Dey*, who has been

detained behind the bars since 03.06.2024 in connection with Gorchuk P.S. Case No. 154/2024 under Section 379 of the Indian Penal Code.

3. The gist of the accusation in this case is that on 25.05.2024 one Aadil KB had lodged an FIR before the Officer-in-charge of Gorchuk Police Station, *inter alia*, alleging that on that day at about 11:30 AM his bike bearing Registration No. KL-24-U-6365 was stolen from the parking area of Ayurshundra Hospital.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent person and in no way involved in the offence alleged in the FIR. It is also submitted that the petitioner was arrested only because he was an acquaintance of the prime accused, namely, Jibon Das and he had earlier received some money on the request of Jibon Das in the bank account of his wife.

5. On the other hand, the learned Additional Public Prosecutor has produced the case diary of Gorchuk P.S. Case No. 154/2024 and has submitted that the money received in the account of the wife of the present petitioner was not connected with the present case as the same was received in the month of December, 2023 i.e., much before the alleged incident had occurred. It is also submitted fairly by the learned Additional Public Prosecutor that presently there is not much material against the present petitioner in the case diary.

6. In view of the submissions made by the learned counsel for the parties, more particularly, after perusing the case diary of Gorchuk P.S. Case No. 154/2024, it appears that the present petitioner has been arrested in this case

mainly on the basis of suspicion and his further custodial detention is not justified in this case.

7. In view of the above, the above named petitioner is allowed to go on bail of Rs.30,000/- (Rupees Thirty Thousand) with one surety of like amount subject to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), Guwahati with following conditions:-

1. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of this case so as to dissuade such person from deposing against the petitioner in the ensuing trial before the Trial Court;
2. That the petitioner shall appear before the trial court as and when so required by the Trial Court;
3. That the Trial Court may impose any additional condition for bail during trial if it deems fit to do so, to procure regular attendance of the petitioner during trial.

8. With the above observation, this bail application is hereby disposed of.

9. Send back the case diary.

JUDGE

Comparing Assistant