

GAHC010121742024



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

Case No. : Bail Appln./1753/2024

MANIR UDDIN BARBHUIYA @ MANIRUDDIN BORBHUYAN @
MANIRUDDIN BARBHUYAN
S/O LT. ALIM UDDIN BARBHUIYA
R/O MANIPUR, PART-I,
P.O. SILDUBI, P.S. SILCHAR
DIST. CACHAR, ASSAM, PIN-788112

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR H GUPTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 26.06.2024

- 1.** Heard Mr. F. Khan, learned counsel for the petitioner. Also heard Mr. R. R. Kaushik, learned Additional Public Prosecutor for the State Respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Manir Uddin Barbhuiya @ Maniruddin Borbhuyan @ Maniruddin Barbhuyan, who has been detained behind the bar since 10.05.2024 (for the last 44 days) in connection with Panbazar P. S. Case No. 86/2024 under Section 379 of the Indian Penal Code.

3. The gist of accusation in this case is that on 19.04.2024 one Ramesh Nath had lodged an FIR regarding theft of his vehicle bearing Registration No. AS01FB7615.

4. Learned counsel for the petitioner has submitted that though, the vehicle in question has been recovered from his possession, however, the same was parked in his compound on 07.05.2024 by one Javed Hussain Barbhuyia, who is a resident of Dakshin Krishnapur in the Cachar district of Assam.

5. On the other hand, learned Additional Public Prosecutor has produced the case diary of Panbazar P. S. Case No. 86/2024 and has submitted that the stolen vehicle has already been recovered and the investigation has also fairly progressed in this case.

6. Considering the fact that the investigation has already progressed well, the stolen vehicle has been recovered as well as the petitioner has already been detained behind the bars for the last 47 days, his further custodial detention does not appear to be necessary for fair completion of the investigation of Panbazar P. S. Case No. 86/2024.

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

i. That the petitioner shall cooperate in the trial and shall appear before the Trial Court as and when so directed by the Trial Court without fail;

ii. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any of the listed witnesses or any other person/persons who may be acquainted with the facts of the case so as to dissuade such persons from disclosing such facts during the trial.

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

9. Send back the case diary.

JUDGE

Comparing Assistant