

GAHC010122822024



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

Case No. : Bail Appln./1826/2024

KAMENLANG JALONG AND 2 ORS.
S/O LT. PERSEN NONGRUM
R/O MAWLAI (CT), MYLLIEM
P.O. MAWLAI
P.S. MAWLAI
DIST. EAST KHASI HILLS,
MEGHALAYA.

2: SALVIUS SHADAP
S/O ROBIN SYNNAH
R/O NONGTHYMMAL-KIRDEM
P.S. UMIAMDIST. RI-BHOI
MEGHALAYA

3: SAKHARIAS SHADAP
S/O STAN DKHAR
R/O VILL- UROL
P.S. NONGPOH
DIST. RI-BHOI
MEGHALAYA

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 MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 29.07.2024

Heard Mr. K. Thakur, learned counsel for the petitioners. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the State respondent No. 1.

This is an application under Section 439 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the accused/petitioner, who has been arrested in connection with Basistha P.S. Case No. 347/2024, under Section 120(B)/420/511 /498A/489C of the Indian Penal Code.

Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. Thakur, learned counsel for the petitioners, that the accused/petitioners are innocent and they have not committed any such offence as alleged in the F.I.R. However, they are in custody for last 72 days and thus, the I.O. got sufficient time for their custodial interrogation. They were also in police remand for a considerable period and thus, the I.O. got sufficient for their custodial interrogation. However, they are still ready and willing to co-operate with the I.O. in further investigation of this case if they are granted with the privilege of bail.

In this context, Mr. Sharma, learned Additional Public Prosecutor, has submitted that there are sufficient incriminating materials against the present accused/petitioners and they also admitted possessing of fake currency notes.

However, as per the statement of the accused/petitioners, one more person from Guwahati is also involved in the alleged offence and the police are yet to book the said person. Mr. Sharma further submitted that the FSL report is yet to be collected and the investigation is still under progress.

After hearing the submissions made by the learned counsels for both sides and also on perusal of the Case Diary, it is seen that there is sufficient progress in the investigation, but the FSL Report is yet to be collected by the I.O. In the same time, it is also seen that one person is yet to be booked in connection with this case who may also be involved in the alleged offence. So, considering this aspect of the case, I find that probability of filing the Charge-Sheet within the statutory period is very less and in the same time, it is seen that the I.O, got sufficient opportunity to interrogate the present accused/ petitioners keeping them in custody and hence, I find that further custodial interrogation of the present accused/petitioners may not be necessary for the interest of investigation.

Accordingly, it is provided that on furnishing a bond of Rs. 30,000/- (Rupees thirty thousand) only each with 2 (two) sureties of like amount, one surety has to be a government servant, to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), Guwahati, the accused/petitioners, namely, (i) Kamenlang Jalong, (ii) Salvius Shadap & (iii) Sakharias Shadap, be enlarged on bail, subject to the following conditions:

- (i) that the petitioners shall make themselves available for interrogation by the Investigating Officer as and when required;

- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- (iii) that the petitioners shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Kamrup(M), Guwahati, without prior permission.

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

JUDGE

Comparing Assistant