

GAHC010124512024



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

Case No. : Bail Appln./1805/2024

MANTU BARMAN AND 2 ORS.
S/O LATE BINDU BARMAN
R/O VILL- RAMPUR, AGAGARA, P.O BORJOL
P.S. GHOGRAPAR
DIST. NALBARI, ASSAM

2: NIREN KALITA
S/O HEMANTA KALITA
R/O VILL- RAMPUR
AGAGARA
P.O. BORJOL
P.S. GHOGRAPAR
DIST. NALBARI
ASSAM

3: KESHAB BARMAN @ RAJIB
S/O LATE BINDU BARMAN
R/O VILL- RAMPUR
AGAGARA
P.O. BORJOL
P.S. GHOGRAPAR
DIS. NALBARI
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

Date : 02-07-2024

Heard Mr. S Munir, learned counsel for the petitioners and Mr. R. J. Baruah, learned Addl. PP, Assam appearing for the state respondent.

This application under section 439 of the Code of Criminal Procedure, 1973 is preferred by accused, namely, **1. Sri Mantu Barman, 2. Niren Kalita & 3. Keshab Barman @ Rajib** who were arrested on 19.05.2024 in connection with **Garchuk PS Case No.100/2024** under section **379 IPC**.

The petitioners were arrested on 19.05.2024 and they are behind the bars since then.

The case diary called is received and perused the same.

Learned counsel for the petitioners submits that the petitioner is innocent and they have been falsely implicated in this case. Investigation is almost over and the accused persons have thoroughly been interrogated by the investigating agency. There is no legal evidence against the present petitioners to connect them with the alleged offence. The learned Counsel further submits that the petitioners are in custody since 19.05.2024 and the conclusion of trial will take sufficient time and on the aforesaid grounds, prayer is made to release the petitioners on bail.

The case diary reveals that the petitioners were arrested only on suspicion, however, some master keys were also recovered from their possession. The investigating officer has already recorded the statement of witnesses, thoroughly interrogated the petitioners and also recovered the

master keys, however, the stolen vehicles have not yet been recovered.

Considering the matter in entirety, more particularly, the period of detention, this court without commenting anything on the merits of the case is of the opinion that no further custodial interrogation/detention of the petitioners is required. Accordingly, the present application is allowed.

It is directed that the petitioners, above named, in connection with the aforementioned case be released on bail on their furnishing a bond of Rs.25,000/- each (Rupees twenty five thousand only) with one solvent surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M) with the following conditions:

- I. The petitioners shall not leave the territorial jurisdiction of the aforesaid police station without prior written permission from its officer in charge;
- II. The petitioners shall not hamper with the investigation of the case and tamper with the evidence of the case;
- III. 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 them from disclosing such facts to the court or to any police officer.

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

Return the case diary.

JUDGE

Comparing Assistant