

GAHC010131862024



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

Case No. : Bail Appln./1908/2024

MANOJ BASFORE
S/O LATE DIPAK BASFORE,
R/O PANDU LOCO COLONY
NEAR WATER TANK
P.S. JALUKBARI, GUWAHATI
DIST. KAMRUP (METRO), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A CHAUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 28.06.2024

Heard Mr. B.K. Mahajan, learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State.

This application under section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely Sri Manoj Basefore, who has been shown as

arrested on 16.06.2024 in connection with Jalukbari P.S. Case No. 99/ 2024 under Sections 406/ 420/ 506/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that before showing him arrested in connection with Jalukbari P.S. Case No. 99/2024, the petitioner was earlier arrested on 05.06.2024 in connection with Latasil P.S. Case No. 30/2024. The learned counsel for the petitioner also submits that Jalukbari P.S. Case No. 99/2024 was registered on basis of an F.I.R. which was lodged by one Raju Deka on 26.02.2024 wherein the allegation of stealing of money by the petitioner to the tune of Rs. 10,00,000/- from the bank account of the informant was levelled. It is also submitted by the learned counsel for the petitioner that after registering Jalukbari P.S. Case No. 99/2024, the police initiated investigation of the said case and after completion of investigation police had laid charge sheet C.S. No. 167/2024, dated 31.05.2024 against the present petitioner. The learned counsel for the petitioner has submitted that thereafter when the petitioner was arrested in connection with Latasil P.S. Case No. 30/2024 on 05.06.2024, one Chitta Ranjan Bora had filed an application on 07.06.2024 before the Chief Judicial Magistrate, Kamrup (Metro), Guwahati praying for further investigation of Jalukbari P.S. Case No. 99/2024, which was allowed by the learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati by its order dated 11.06.2024 passed in Jalukbari P.S. Case No. 99/2024. The learned counsel for the petitioner submits that while allowing the prayer for further investigation of Jalukbari P.S. Case No. 99/2024, the court had returned back the original case diary alongwith the charge sheet to the Investigating Officer. According to the learned counsel for the petitioner, it is an irregularity.

The learned counsel for the petitioner submits that now in Jalukbari P.S. Case No. 99/2024 also the petitioner has been detained in custody for last 14 (fourteen) days and considering the fact that earlier the charge sheet was laid in this case, the further custodial detention may not be necessary.

On the other hand, learned Public Prosecutor has produced the case diary of

Jalukbari P.S. Case No. 99/2024 and on perusal of the case diary has submitted that the petitioner had interrogated after showing him arrest.

I have perused the materials available on record including the case diary of Jalukbari P.S. Case No. 99/2024, which is available before this court in connection with an another case B. A. No. 1844/2024. As it appears from the record of Jalukbari P.S. Case No. 99/2024, it appears that earlier charge sheet was laid against the present petitioner under Sections 406/420/506/ 34 of IPC finding sufficient evidence against the present petitioner and after showing him arrested again initiation of further investigation, his statement have already been recorded by the Investigating Officer.

This Court is of the considered opinion that his further custodial detention does not appear to be necessary in connection with Jalukbari P.S. Case No. 99/2024. In view of the above discussions, the petitioner, namely, Sri Manoj Basefore 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 Chief Judicial Magistrate, Kamrup (Metro), Guwahati with the following conditions:

i. That the petitioners shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case, so as to dissuade such person from disclosing such facts of the case before the Investigating Officer.

ii. That the petitioners shall co-operate in the investigation.

With the above observation, this bail application is accordingly disposed of. Return back the case diary.

JUDGE

Comparing Assistant