

GAHC010135842024



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

Case No. : Bail Appln./1976/2024

JUGNU BASFOR
SON OF LATE BHOLA BASFOR, RESIDENT OF WARD NO.-13, HARIJAN
COLONY, P.O. AND P.S. NORTH LAKHIMPUR, DISTRICT- LAKHIMPUR,
ASSAM- 787001

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR B K SINGH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 17.07.2024

Heard Mr. B.K. Singh, learned counsel for the petitioner and Mr. P. Borthakur, learned Addl. Public Prosecutor appearing on behalf of the State respondent.

From the office note, it is seen that LCR has been received.

This is an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, filed by the petitioner, namely **Sri Jugnu Basfor**, praying for regular bail, who was arrested on 06.05.2024 in connection with PRC No. 476/2024 [Corresponding to G.R. Case No. 279/2025, arising out of Lakhimpur P.S. Case No. 101/2024] under Section 380 IPC, 1860.

It is submitted by Mr. Singh, the learned counsel for the petitioner that the petitioner is innocent and he is in no way involved with the alleged offences. He further submits that the petitioner was a boy of 18 years at the relevant time of incident and he was misguided by some persons as the some accused persons were more than 30 years. The learned counsel for the petitioner also submits that the bail of the petitioner was earlier rejected by the learned trial Court only on the fact that the case has been registered under Section 413 IPC which is a serious nature of offence but from the charge sheet it is very much evident that charge sheet was submitted against the present petitioner only under Section 380 IPC and not under Section 413 IPC. More so, the petitioner is ready and willing to contest the case regularly appearing before the learned Court below, if he is enlarged on bail. Further, considering the length of detention, the petitioner may be released on bail.

In this context, Mr. Borthakur, the learned Additional Public Prosecutor has submitted that the present petitioner is also involved with the offence as in the forwarding report, it is seen that the present petitioner is a habitual offender and it is not a fit case to grant bail to the petitioner.

After hearing the learned counsel for both sides and I have perused the case record and annexures filed alongwith the petition and considering the fact that the accused is behind the bar since 06.05.2024 for more than last 70 days and more so, the charge sheet has been submitted under Sections 380 IPC and

also considering the period of detention as well as the tender age of the accused/ petitioner, it is directed that the petitioner named above, be released on bail on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) with 1 (one) suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Lakhimpur, North Lakhimpur, in connection with the aforementioned case.

The direction for bail is further subject to the conditions that the accused-petitioner:

- (a) shall not leave the territorial jurisdiction of the learned Chief Judicial Magistrate, Lakhimpur, North Lakhimpur without prior written permission from him/ her;
- (b) shall not hamper in the investigation of the case and tamper with the evidence of the case; and
- (c) 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.

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

JUDGE

Comparing Assistant