

GAHC010136442024



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

Case No. : Bail Appln./1983/2024

ANKUR RAY
S/O- LATE FANI @ FANI RAY,
RESIDENT OF PODMOBIL,
P.S.- GOSSAIGAON,
DIST.- KOKRAJHAR, BTR,
ASSAM, PIN- 783360.

VERSUS

THE STATE OF ASSAM
TO BE REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR. A A R KARIM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

15.07.2024

1. Heard learned counsel Mr. A. A. R. Karim for the petitioner Ankur Ray.

2. This application has been filed by the petitioner under Section 439 of the Cr.PC with prayer for bail as he is behind bars since 02.06.2024 in connection with Gossaigaon P.S. Case No. 83/2024 under Sections 379/411/413/34 of the IPC corresponding to GR Case No. 95/2024.
3. Heard Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.
4. The FIR unfolds that the complainant received an information that one Hydra JCB vehicle bearing registration No. WB-70S-9012 was trying to lift the RS-JOIST (iron) to one Trailor vehicle bearing registration No. WB-11F-5052 which was kept in the old PWD IB premises at Mandapara under Bhawraguri area. When the drivers of the vehicle were confronted, they stated that they were permitted to carry the same. It was suspected that the items were illegally taken for smuggling. The complainant then restrained the miscreants from lifting the aforementioned articles.
5. It is submitted on behalf of the petitioner that the petitioner is not involved in any illegal activities. It is submitted that it is not a case under Sections 379/411 of the IPC. It is further submitted that as the petitioner has no criminal antecedent and there is no case under Section 413 of the IPC.
6. I have considered the submissions at the Bar with circumspection.
7. The Co-accused had already been enlarged on bail.
8. I have also considered the submission that the petitioner is willing to co-operate with the remaining part of the investigation.
9. Considering all aspects and in view of my foregoing discussions, it appears that bail may be granted to the petitioner. Petition is allowed. The petitioner is

enlarged on bail of Rs 50,000/- (Rupees fifty thousand), with a suitable surety of like amount to the satisfaction of the SDJM, Gossaigaon under the condition that:

(i) the petitioner shall refrain from such activities with which they are alleged,

10. On breach of any of the bail conditions, bail order shall stand cancelled.

JUDGE

Comparing Assistant