

GAHC010137682024



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

Case No. : Bail Appln./2011/2024

ELISAR PYNGROPE @ ELISAR POINGROPE
S/O NONSING NONGRUM, R/O NONGRAH DONGKTTICH NEAR SYLVAN
DALE SCHOOL, SMIT, SHILLONG, P.S.-MANDARIGTING, DIST-EAST KHASI
HILLS, MEGHALAYA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR M AHMED

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 15.07.2024

Heard Mr. M. Ahmed, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying for grant of bail to the accused/petitioner, who has been arrested in connection with S.T.F. P.S. Case No. 03/2019, under Sections 379/411/420/ 468/471 of the Indian Penal Code.

It is submitted by Mr. Ahmed, learned counsel for the petitioner, that the present accused/petitioner is innocent and he is no way connected in the alleged offence. However, on 23.05.2024, the petitioner came to Guwahati for purchasing some accessories in his maternal aunt's vehicle and accordingly, he was arrested by police on suspicion that the vehicle, which was driven by him, was a stolen vehicle as the number plate was not there. But the vehicle belongs to his maternal aunt and she already preferred an application for zimma of the vehicle claiming herself to be the owner of the vehicle. He further submitted that the accused/petitioner was arrested in connection with this case on 23.05.2024 and hence, considering his length of detention, he may be enlarged on bail.

Mr. Borthakur, learned Additional Public Prosecutor, has submitted in this regard that the present accused/petitioner was arrested in connection with this

case on suspicion that he may be a member of inter-state car lifter and some objectionable documents were also recovered from the possession of the present accused/petitioner. However, he submitted that on enquiry made by him, it was informed by the I.O. that the case is still under investigation and there is no probability of filing the Charge-Sheet within the statutory period.

Considering the submissions made by the learned counsels for both sides, without going by the merit of the case and only considering the length of detention, I am of the view that the I.O. has got ample opportunity to interrogate the accused/ petitioner keeping him in custody and accordingly, further custodial interrogation of the accused/petitioner seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with 2 (two) local 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/petitioner, namely, Elisar Pyngrope @ Elisar Poingrope, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) that the petitioner 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 petitioner 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