

GAHC010147132024



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

Case No. : AB/1913/2024

SRI GYANAM DAS
S/O SRI NAPUR DAS, RESIDENT OF UZAN BAZAR, JAHAJGHAT, PS
LATASIL, GUWAHATI 781001, GUWAHATI KAMRUP M ASSAM

2: SRI JENITH DEY
S/O SRI BISHWAJIT DEY

RESIDENT OF UZAN BAZAR
H.C ROAD
PS LATASIL
GUWAHATI 781001
DIST KAMRUP M ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR D R SAIKIA, MR. P P SAIKIA

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

31.07.2024

Heard Mr D R Saikia, learned counsel for the petitioners, 1) Sri Gyanam Das and 2)

Sri Jenith Dey, who have filed this application under Section 482 of the BNSS, 2023, with prayer for bail, as they are apprehending their arrest in connection with Noonmati PS Case No. 152/2024, under Sections 305(b) of the BNS Act, 2023

2. Heard Mr M P Goswami, learned Additional Public Prosecutor for the State of Assam.

3. The FIR unfolds that several parts of the motorcycle of the informant were stolen from the Verandah of the Last Gate, Sundari Hotel, on the night of 29.07.2024. The Registration number of the motorcycle was AS-01-DT-4273 and the oil tank, battery, front wheel and the seat of the motorcycle was detached and stolen by some miscreants.

4. The learned Additional Public Prosecutor has raised serious objection stating that the petitioners are not entitled to bail in a theft case and there are incriminating materials in the Case Diary against the petitioners.

5. I have considered the submissions on behalf of the petitioners.

6. It is submitted on behalf of the petitioners that the petitioners are willing to cooperate with the remaining part of the investigation.

7. It is also submitted on behalf of the petitioners that the petitioners are young lads and they are students. It is submitted that if they are forwarded to custody on suspicion, their image will be tarnished and they will suffer immensely, as it will affect their career in future.

8. I have considered the submissions on behalf of the petitioners that they are willing to abide by any stringent bail conditions, if imposed upon them.

9. I have also scrutinized the Case Diary.

10. Investigation has progressed to a considerable extent. It appears that custodial interrogation may not be required.

11. Considering all aspects and in view of my foregoing discussions, petition is allowed. In the event of their arrest, the petitioners shall be enlarged on bail of Rs. 30,000/- each with one suitable surety each of the like amount to the satisfaction of the arresting authority, under the conditions that:-

- i) the petitioners shall refrain from such activities with which they are alleged,
- ii) the petitioners shall appear before the IO within one week from today and they shall cooperate with the investigation, and
- iii) the petitioners shall not leave the jurisdiction of the Court, without prior permission.

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

13. Bail Application stands disposed of.

14. Send back the Case Diary.

JUDGE

Comparing Assistant