

GAHC010150682024



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

Case No. : Bail Appln./2253/2024

HRIDAY JYOTI BORAH @ HRIDOYJYOTI BORAH
S/O SRI MRIDUL BORAH, R/O VILL- BALIGAON, P.O. AND P.S.-
DHAKUAKHANA, DIST- LAKHIMPUR, ASSAM.

VERSUS

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

Advocate for the Petitioner : MR. S K SINGHA, MR. M K NEOG

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

O R D E R

Date : 13.08.2024.

Heard Mr. S.K. Singha, learned counsel for the accused/ petitioner, namely, Hriday Jyoti Borah @ Hridayjyoti Borah.

2. The petitioner has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, with prayer for bail as he is behind the bars since 01.07.2024, in connection with Gogamukh Police Station Case No.48/2024

[corresponding to G.R. Case No.283/2024) (GMK)], under Sections 454/380 of the IPC.

3. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

4. It is submitted on behalf of the petitioner that other co-accused has already been allowed on bail by the learned Trial Court vide order dated 03.08.2024, in connection with G.R. Case No.283/2024, after perusal of the case diary and considering the length of detention.

5. The FIR unfolds that on 26.06.2024, at around 12:30 p.m., some unknown miscreants broke into the informant's house and committed theft of one gold chain, measuring 1.5 Tula and a pair of ear-ring, measuring 4 Anna.

5. I have considered the length of detention.

6. It appears that investigation may have presumably progressed to a certain extent.

7. I have considered the submissions on behalf of the petitioner that the petitioner is willing to cooperate with the remaining part of the investigation and he is willing to abide by any stringent bail conditions, if imposed upon them. The petitioner is a local resident and he has no flight risks.

8. In view of my foregoing discussions, petition is allowed. The petitioner shall be enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand), with a suitable surety of like amount to the satisfaction of the concerned Elaka Magistrate, under the conditions that:

(i) The petitioner shall refrain from such activities with which he is alleged,

(ii) The petitioner shall co-operate with the remaining part of the investigation, and

(iii) The petitioner shall not leave the jurisdiction of the Court without prior permission.

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

10. In the above terms, this Bail Application stands disposed of.

JUDGE

Comparing Assistant