

GAHC010160962024



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

Case No. : Bail Appln./2386/2024

BINAY @ VINAY PRADHAN
S/O TILAK BAHADUR PRADHAN, R/O C-SECTOR, P.O. AND P.S.-ITANAGAR,
DIST- PAPUM PARE, ARUNACHAL PRADESH-791111

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. P BORDOLOI, MS M NIROLA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 21.08. 2024

Heard Mr. P. Bordoloi, learned counsel for the petitioner, namely, Sri Binay @ Vinay Pradhan, who has filed this application under Section 483 of BNSS, 2023, with prayer to release him on bail as he is languishing in judicial custody since 18.07.2024 in connection with Gohpur PS Case No. 110/2024 (Corresponding to G.R. Case No. 218/2024) under Sections 305/317(2) of BNS.

The allegation against the petitioner is that the petitioner was found involved in theft of a KIA Seltos vehicle on NH -15 at night in the area of Milanpur, Chariali, near Bandan Bank without number plate.

Also heard Mr. MP Goswami, learned Addl. Public Prosecutor for the State respondent.

The case diary is received and perused.

I have scrutinized the case diary and the forwarding report.

I have considered the length of detention and the progress of investigation. The merits of the case are not brought to the fore.

I have also considered that the co-accused are enlarged on bail vide order dated 08.08.2024, passed in Misc. (Bail) Case No. 142/2024 by the learned Sessions Judge, Biswanath Chariali.

In view of the above, further custodial interrogation may not be required. The bail petition is allowed.

The learned Addl. P.P. has raised serious objection against the prayer of the bail on the ground that there are sufficient incriminating materials available in the case diary against the present petitioner.

I have considered the submissions at the Bar with circumspection.

I have also considered the submission that the petitioner is ready and willing to cooperate with the investigation of the case. The petitioner has been behind bars since last 35 days and investigation has substantially progressed.

In view of the above and considering the period of detention, the petitioner named above be enlarged on bail on furnishing a bond of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned

SDJM (M), Gohpur in connection with the aforesaid case under the following conditions that:-

1. the petitioner shall refrain from such activities with which he is alleged,
2. the petitioner shall cooperate with the reaming part of investigation and shall not default in appearance and appear regularly before the I.O as well as in the trial court.,
3. the petitioner shall not leave the jurisdiction of the jurisdictional Court without prior permission from the jurisdictional Court.

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

Bail application stands disposed.

Return the case diary.

JUDGE

Comparing Assistant