

GAHC010164572024



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

Case No. : Bail Appln./2422/2024

SOURAV BAIDYA AND ANR
S/O KIRAN BAIDHYA,
RESIDENT OF KALIBARI, ICHAMATI, PS SHELLA, DIST EAST KHASI HILLS,
MEGHALAYA

2: NITUSH DEB BARMA
S/O SANJAY DEB BARMA

RESIDENT OF PATHARGHAT
KALATEK
PS SHELLA
DIST EAST KHASI HILLS
MEGHALAY

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR D J DEKA, MS A AFREEN, MR KUTUB ALI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 27.08. 2024

1. Heard Mr. D.J. Deka, learned counsel for the petitioners, namely (1)

Sourav Baidya and (2) Nitiush Deb Barma.

2. The petitioners have filed this application under Section 483 of BNSS, 2023, with prayer for bail as they were behind bars since 16.07.2024 i.e. for last 41 days in connection with Hatigaon P.S. Case No. 156/2024 under Section 303(2) of BNS, 2023.

3. Also heard Mr. B.B. Gogoi, learned Addl. Public Prosecutor for the State respondent.

4. The case diary, as called for, is received and perused.

5. 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 petitioners.

6. I have scrutinized the case diary. It appears that the petitioners have been involved in theft of 2 motor cycles bearing Registration No. AS01FV7874 and Registration No. AS01FT3023. The case diary also reveals that the investigation has substantially progressed to a considerable extent. Custodial detention may not be required.

7. I have considered the length of detention and the progress of investigation. I have also considered that the petitioners shall cooperate with the investigation as and when required.

8. Considering the entire aspect of the matter, petition is allowed.

In view of the above, the petitioners named above be enlarged on bail on furnishing a bond of Rs. 30,000/- each with 2 local suitable sureties of like amount to the satisfaction of the learned, Chief Judicail Kamrup (M), Guwahati in connection with the aforesaid case under the following conditions that:-

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

(ii) the petitioner shall cooperate with the remaining part of investigation and appear before the I.O. on every fortnight till completion of investigation.

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

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

Bail application stands disposed.

Return the case diary.

JUDGE

Comparing Assistant