GAHC010183682024

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

Case No. : Bail Appln./2680/2024

SOURAV BAIDYA AND ANR
S/O KIRAN BAIDYA, R/O KALIBARI, ICHAMATI, P.S.-SHELLA, DIST-EAST KHASI HILLS

2: NITUSH DEB BARMA
S/O SANJAY DEB BARMA
R/O PATHARGHAT
KALATEK
P.S.-SHELLA
DIST-EAST KHASI HILL

VERSUS

STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S C KEYAL, K JAIN,P K KHAKHOLIA,MS. N KAKATI,M DEKA

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

06.09.2024

Heard Mr S C Keyal, learned counsel for the petitioners, 1) Sourav Baidya and 2) Nitush Deb Barma, who have filed this application under Section 483 of the BNSS,

2023, with prayer for bail as they are behind bars since 21.08.2024, in connection with Hatigaon PS Case No. 148/2024, under Section 303 (2) of the BNS, 2023.

2. Heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam.

3. It is submitted on behalf of the petitioners that the petitioners have been behind bars since 16.07.2024, in connection with another case, and they were granted bail by this Court in connection with Hatigaon PS Case No. 156/2024, vide order dated 27.08.2024, passed in Bail Application No. 2422/2024, under the same sections of law, with the allegation of theft of motorcycle. The petitioners were forwarded as per the forwarding report dated 21.08.2024, which is marked as Annexure-A of the petition and arrested in connection with this case. The forwarding report depicts that the CCTV footage shows two accused, namely, Rahul Amin and Phulchand Ali, and after arrest, both the accused have confessed that they have stolen the bike and later on sold the same.

4. It is submitted the forwarding report itself extricates the petitioners.

5. It is further submitted on behalf of the petitioners that they have been arrested and shown arrested in connection with this case merely on suspicion as they have already been arrested in connection with the other case, i.e., Hatigaon PS Case No. 56/2024.

5. I have considered the submissions at the Bar with circumspection.

6. I have also considered the submission on behalf of the petitioners

7. Considering all aspects and in view of my foregoing discussions, petition is

allowed. The petitioners are enlarged on bail of Rs 30,000/- (Rupees Thirty Thousand Only) each, with one suitable surety each of the like amount to the satisfaction of the learned trial Court, under the conditions that:

(i) the petitioners shall refrain from such activities with which they are alleged,

ii) the petitioners shall not leave the jurisdiction of the Court, without prior permission, till completion of trial, and

iii) the petitioners shall not exercise threats to the witnesses or try to influence the witnesses.

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

8. Bail Application stands disposed of.

JUDGE

Comparing Assistant