

GAHC010191382024



2024:GAU-AS:9664

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

Case No. : Bail Appln./2843/2024

SOURAV BAIDYA AND ANR.
S/O KIRAN BAIDYA
R/O KALIBARI, INCHAMATI
P.S. SHELLA,
DIST. EAST KHASI HILLS,
PH. 7975625751

2: NITUSH DEB BARMA
S/O SANJAY DEB BARMA
R/O PATHARGHAT

KALATEK
P.S. SHELLA

DIST. EAST KHASI HILLS

PH-847185568

VERSUS

THE STATE OF ASSAM
THROUGH THE PP, ASSAM

Advocate for the Petitioner : MR. S C KEYAL, P K KHAKHOLIA, K JAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

26.09.2024

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 02.09.2024, in connection with Hatigaon PS Case No. 139/2024, under Section 379 of the Indian Penal Code, 1860.

2. Heard Mr R R Kaushik, learned Additional Public Prosecutor for the State of Assam.

3. The learned Additional Public Prosecutor has raised serious objection stating that the petitioners are history sheeters and they are involved in accepting stolen bikes and transporting those bikes to a person named Nur Islam, in Bangladesh.

4. The learned counsel for the petitioners has submitted that the petitioners have been behind bars for more than two months, merely on suspicion. This incident has occurred on 22.06.2024, whereas, the petitioners were already forwarded to custody on 16.07.2024 and the forwarding report (Annexure-1), clearly reveals that after their arrest, no such case has been reported under the jurisdiction of the Police Station.

5. I have also scrutinized the Case Diary.

6. Investigation has progressed to a considerable extent.

7. It appears that custodial detention may not be required for further progress of investigation.

8. 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 CJM, Kamrup (Metro), 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, on every fortnight, till completion of investigation, and
- iii) the petitioners shall not leave the jurisdiction of the Court, without prior permission.

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

9. Bail Application stands disposed of.

10. Send back the Case Diary.

JUDGE

Comparing Assistant