

GAHC010195342024



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

Case No. : Bail Appln./2870/2024

PRABHAT DAS AND ANR
SON OF SHRI SUKLA DAS, RESIDENT OF NEFA GATE, NAWSALIA GAON,
MADHUPUR, P.O. BARRBHETA, P.S. AND DISTRICT- JORHAT, ASSAM

2: SHRI PURAN BORA
SON OF LATE ARUN BORA
RESIDENT OF ROWRIAH AH BIJOY NAGAR
P.O. BORBHETA
P.S. AND DISTRICT- JORHAT
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP ASSAM

Advocate for the Petitioner : C. M. MAHANTA, MR. L C DEY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

23.09.2024

1. Heard Mr. L. C. Dey, learned counsel for the petitioners namely, (i) Prabhat

Das, and (ii) Puran Bora.

2. The petitioners have filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 02.09.2024 in connection with Pulibor P.S. Case No. 115/2024 corresponding to GR Case No. 565/2024 registered under Sections 304/303(2)/317(2) of the BNS.

3. Heard Ms. N. Das, learned Additional Public Prosecutor, Assam for the respondent State. Learned Additional Public Prosecutor has submitted that Case Diary is required to be perused to consider the bail petition of the petitioner.

4. The FIR unfolds that the petitioners are involved in committing theft of mobile handsets from the passerby and commuters and during investigation, mobile handsets have been recovered from the possession of the petitioners.

5. I have considered the submissions at the Bar with circumspection. It appears that further custodial detention may not be required for the progress of investigation.

6. Considering all aspects, petition is allowed. The petitioners shall be enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) each with a suitable surety of like amount to the satisfaction of the learned SDJM, Jorhat under the conditions that:

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

(ii) The petitioners shall appear before the Investigating Officer on every fortnight and co-operate with the investigation till completion of the investigation, and

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

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

8. In terms of the above observation, bail application stands disposed of.

JUDGE

Comparing Assistant