

GAHC010208842024



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

Case No. : Bail Appln./3047/2024

SUNIL KALITA
S/O BHABEN KALITA
R/O H. NO. 38, HILIKHATOL, KAHILIPARA, GUWAHATI, KAMRUP (M),
ASSAM, PIN-781019

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MS. T SOM, MS. U HAZARIKA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI
ORDER

08.10.2024

Heard Mr. R.P. Sarma, learned Senior Counsel assisted by Ms. B. Das, learned counsel for the petitioner and Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam.

2. This is an application filed under Section 483 of the BNSS, praying for granting regular bail to the petitioner, **Sunil Kalita**, who was arrested on 25.09.2024, in connection with **Bhangagarh P.S. Case No. 146/2024**, registered under Section 303(2) of the BNS.

3. The case of the prosecution in brief is that on 07.09.2024, an FIR was lodged alleging inter-alia that at the construction activities of reservoir, road and Booster Pump from Mrityunjay Mandir near 10th APBN second gate, TV tower to nearer water tank, several theft activities were occurring frequently at the site. It is the further allegation that five pieces of metal beam have been stolen from the site and the accused-petitioner was caught red handed with the stolen articles.

4. Mr. Sarma, learned Senior Counsel for the petitioner submits that the petitioner has been languishing in jail hazot since 25.09.2024. He further submits that the allegation is totally false and the petitioner is no way involved with the alleged offence. He also submits that the accused is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Kaushik, learned Additional Public Prosecutor has produced the case diary before this court and submits that the materials collected by the I.O. implicates the accused with the alleged offence and therefore, it is contended to dismiss the petition.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of learned Additional Public Prosecutor.

7. It appears that the accused was arrested on 25.09.2024, and since then he has been languishing in jail hazot. Further, it appears that the I.O. has collected incriminating material in support of the allegation made in the FIR against the accused. It also appears that the statement of the accused has been recorded, under Section 180 of the BNSS.

8. Considering the facts and circumstances of the case and keeping in mind the length of detention, it is provided that the petitioner, **Sunil Kalita**, shall

be released on bail in connection with the above noted case on furnishing bail bond of **Rs. 15,000/- (Rupees Fifteen Thousand)** only with one surety of like amount to the satisfaction of the learned **CJM, Kamrup (M) at Guwahati**.

9. The bail granted to the petitioner shall be subject to the following three conditions :-

- (i) The petitioner shall co-operate with the investigation,
- (ii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade such person from disclosing such facts to the Court or to any Police Officer; and
- (iii) The petitioner shall refrain from such activities with which he is alleged, failing which, bail orders shall stand cancelled.

10. With the above observation, this bail application stands disposed of.

11. Send back the case diary.

Comparing Assistant

JUDGE