

GAHC010214602024



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

**Case No. : Bail Appln./3123/2024**

SRI CHINMOY BORTHAKUR @ MAINA  
S/O SRI RATUL BORTHAKUR  
R/O CHOLADHARA UNDER JORHAT POLICE STATION,  
IN THE DISTRICT OF JORHAT, ASSAM

VERSUS

THE STATE OF ASSAM  
REP BY THE PP, ASSAM

**Advocate for the Petitioner** : MR. B M CHOUDHURY, MR. U CHOUDHURY

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**  
**HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

**ORDER**

**Date : 08.10.2024**

Heard Mr. B.M. Choudhury, learned counsel for the petitioner and Mr. R.J. Baruah, learned APP for the State.

By this application under Section 483 of the BNSS, 2023, the petitioner, namely, Sri Chinmoy Borthakur, who was arrested on 21.08.2024, is seeking

regular bail in connection with Jorhat PS Case No. 325/2024 under Sections 379 IPC.

The learned counsel for the petitioner has submitted that bail application by co-accused being BA 2971/2024 was disposed of by the Coordinate Bench of this Court by order dated 27.09.2024. However, he submits that by the time the Court reopens after the long vacation, mandatory period of 60 days would be over on 19.10.2024, as the petitioner is in custody since 21.08.2024.

The learned APP has opposed the prayer for bail on the ground that the co-accused who was granted bail by order dated 17.09.2024 passed in BA 2971/2024 was a *bona fide* purchaser of buffalo. He also submits that the case diary would be necessary so as to find out if the petitioner is habitual offender involved in theft of cattle.

On considering the fact that the petitioner is in custody since 21.08.2024, the Court is of the considered opinion that the further custodial interrogation of the petitioner is not required. Accordingly, considering the length of detention, this Court is inclined to release the petitioner named above on bail in connection with the case aforementioned on furnishing bail bond of Rs.30,000/- with one suitable surety of like amount to the satisfaction of learned Chief Judicial Magistrate, Jorhat on the following conditions:

1. That the petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.
2. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the

facts of the case so as to dissuade him from disclosing such facts to Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witnesses.

3. That he shall not obstruct the smooth progress of the investigation/trial.

4. That the petitioner shall not misuse his liberty in any manner.

5. That the petitioner shall not jump over the bail.

6. That the petitioner shall appear before the I.O. once in every month till his appearance is dispensed with by the I.O., or filing of the charge-sheet, whichever is earlier.

In the event the I.O. finds the petitioner to be involved in any other theft of cattle, it would be open to the I.O. to move the jurisdictional Court and apply for cancellation of bail.

Similarly, breach of any of the conditions for grant of bail shall also render cancellation of bail in accordance with law.

This bail application stands disposed of.

**JUDGE**

**Comparing Assistant**