

GAHC010217352024



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

Case No. : Bail Appln./3153/2024

DHRUB BASFORE
S/O SURAJ BASFORE, R/O CHANDMARI, P.S.-TEZPUR, DIST- SONITPUR
(ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R BARUAH,

Advocate for the Respondent : PP, ASSAM, SPL. PP, C.B.I.

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

05-11-2024

Heard Mr. R Baruah, learned counsel for the petitioner and Mr. M Haloi, learned Special Public Prosecutor, CBI for the sole opposite party.

2. By this application filed under Section 483 of the BNSS, 2023, the petitioner, namely, **Sri Dhrub Basfore**, son of Suraj Basfore, resident of Chandmari, Police Station-Tezpur of District- Sonitpur has prayed for his bail in Tezpur Police Station Case No. 527/2024 registered under

Sections 316(2)/318(1)/3(5) of BNS, 2023 read with Section 21(1)/21(2)/21(3) of the Banning of Unregulated Deposit Schemes Act, 2019 corresponding to G.R. Case No. 1339/2024, wherein he was arrested on 04.09.2024 and is in custody since then.

3. Pursuant to a recent decision of the State Government, said Tezpur P.S. Case No. 527/2024 has been handed over to the CBI for its investigation.

4. Mr. Haloi, learned Special PP, Assam has submitted that on an application of the concerned Investigating Officer of the case and pursuant to the order of the learned Special Judge, CBI, Assam dated 04.11.2024, Section 316(5) of BNS,2023 has been added in CBI Case No. RC0172024E0032 arising out of said Tezpur P.S. Case No. 527/2024.

5. However, Mr. Haloi, learned Special PP, Assam, on instruction, has submitted that charge-sheet has not yet been filed in said CBI Case No. RC0172024E0032 arising out of Tezpur P.S. Case No. 527/2024.

6. It is seen that the petitioner completed the mandatory/statutory period of detention of sixty days on 03.11.2024 considering his arrest in the case on 04.09.2024, whereas Section 316(5) of the BNS (corresponding to Section 409 IPC) has been added on the 61st day of his detention, i.e., on 04.11.2024.

7. Considering the above, the petitioner, namely, **Sri Dhrub Basfore**, is granted default bail in said CBI Case No. RC0172024E0032 arising out of Tezpur P.S. Case No. 527/2024 on furnishing bail bond of Rs. 1,00,000/-, with two local sureties of the like amount, one of which shall be a government employee, either state or central government, to the satisfaction of the learned Special Judge, CBI, Assam on conditions that the petitioner – (i) shall appear before the Investigating Officer of said CBI Case No. RC0172024E0032, as and when he is required for necessary investigation of the case; (ii) shall surrender his passport, if any, before the learned Special Judge, CBI, Assam on or before 14.11.2024; (iii) shall not leave the territorial jurisdiction of the Tezpur Police Station, without obtaining prior written permission from the concerned I.O. of said CBI P.S. Case; (iv) shall not hamper with the investigation or tamper with the evidence of the case; (v) 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 them from disclosing such facts to the Court or to any police officer and (vi) shall not indulge himself in any criminal activities.

8. Any violation of the aforesaid terms and conditions by the petitioner, named above, the bail granted to him in the aforementioned P.S. Case shall stand automatically vacated.
9. Bail application stands allowed to the extent above.
10. Return the case diary.

JUDGE

Comparing Assistant