

GAHC010234622024



2024:GAU-AS:12121

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

Case No. : Bail Appln./3408/2024

JITEN PAUL AND ANR
S/O. LATE ANANDA PAUL, R/O. GNB PATH, HILL SIDE, SILPUKHURI, P/S.
CHANDMARI, DIST.-KAMRUP(M), ASSAM.

2: NIREN KALITA
S/O. LATE HEMANTA KALITA
R/O. RAMPUR AJAGORA
P/S. GHOGRAPAR
DIST. NALBARI
ASSAM

VERSUS

THE STATE OF ASSAM
REP, BY THE PP, ASSAM.

Advocate for the Petitioner : MR. A J HAZARIKA, MS. N RAJMEDHI

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

02/12/2024

Heard Mr. A J Hazarika, learned counsel for the petitioners and Mr. K K Parashar, learned Additional Public Prosecutor, Assam for the State respondent.

2. This application under Section 483 of BNSS, 2023 has been filed by the petitioners, namely, **Sri Jiten Paul**, son of Late Ananda Paul, resident of GNB Path, Hill Side, Silpukhuri, P.S. Chandmari, District-Kamrup (Metro) and **(ii) Sri Niren Deka**, son of Late Hemanta Kalita, resident of Rampur Ajagora, P.S. Ghograpar, District-Nalbari, seeking bail in **Goreswar P.S. Case No. 67/2024** registered under Sections 331(4)/305(a) of BNS, 2023, corresponding to G.R. No. 812/2024, wherein they were arrested on 04.10.2024 and are in custody since then.

3. As per the FIR dated 27.09.2024 lodged by the complainant before the Officer-in-Charge of Suagpur Police Outpost under Goreswar Police Station the case is that on the night of 26.09.2024, his Yoddha DI vehicle bearing registration No. AS-01-QC-3556, which was parked inside his shop boundary wall Gate was stolen by some unknown miscreants. Accordingly, said FIR was registered as Goreswar P.S. Case No. 67/2024 under Sections 331(4)/305(a) of BNS, 2023.

4. Both the petitioners were arrested on 04.10.2024 on ground of suspicion as they are habitual offenders and involved in various criminal activities, particularly theft of vehicle.

5. On being enquired, Mr. Parashar, learned Additional Public Prosecutor, Assam submitted that the said stolen vehicle is yet to be recovered though during interrogation, both the petitioners admitted their guilt of taking away the said vehicle of the informant/complainant. However, Mr. Parashar, learned Additional Public Prosecutor, Assam submitted that charge-sheet in said Goreswar P.S. Case No. 67/2024 has not been filed till date.

6. It is seen that since 04.10.2024, the petitioners are in custody for 60 days as on today and has already completed the statutory/mandatory period of their detention in custody.

7. In view of the above, the petitioners are entitled for their default bail in said Goreswar P.S. Case No. 67/2024.

8. Accordingly, the petitioners, namely, **Sri Jiten Paul**, and **(ii) Sri Niren Deka**, are granted

default bail in said **Goreswar P.S. Case No. 67/2024** registered under Sections 331(4)/305(a) of BNS, 2023, corresponding to G.R. No. 812/2024, on furnishing a bail bond of Rs.50,000/- each, with 2 (two) local sureties each of the like amount, one of which shall be a Government Employee, either Central or State Government, to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Mushalpur, Baksa, Assam, on conditions that the petitioners — (i) shall appear before the Investigating Officer of said Goreswar P.S. Case No. 67/2024 on every Monday during office hours, i.e., 10:00 AM to 04:00 PM commencing from 16.12.2024 for the next two English calendar months or till filing of the chare-sheet in the case, whichever is earlier and also, as and when he is required for necessary investigation of the case; (ii) shall not leave the territorial jurisdiction of the learned Sub-Divisional Judicial Magistrate, Mushalpur, Baksa, Assam, without obtaining prior written permission from the said authority; (iii) shall not hamper with the investigation, or tamper with the evidence of the case; (iv) 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 (v) shall not involve themselves with any criminal activities in future, failing which, the bail granted to them in the aforesaid Goreswar P.S. Case No. 67/2024 shall stand automatically vacated.

9. This bail application accordingly stands disposed of with the above directions.

JUDGE

Comparing Assistant