

GAHC010236832024



2024:GAU-AS:11705

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

Case No. : Bail Appln./3434/2024

SANJAY DODUM
S/O GYMTO DODUM
R/O VILL- DOIMUKH SECTOR -C, P.S. DOIMUKH
DIST. PAPUMPARE, ARUNACHAL PRADESH.

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. B. DAS, MR. P GOGOI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

26-11-2024

Heard Mr. B. Das, learned counsel for the petitioner and Mr. B. Sarma, learned Additional Public Prosecutor, Assam for the State.

2. By this application filed under Section 483 BNSS, 2023, the petitioner, namely, **Sri Sanjay Dodum**, son of Gymto Dodum, resident of Village-Doimukh

Sector-C, Police Station-Doimukh, District-Papum Pare, Arunachal Pradesh is seeking bail in **Biswanath Chariali P.S. Case No. 182/2024** corresponding to G.R. No. 447/2024 registered under Sections 303(2)/317(2) BNS, 2023, wherein, he was arrested on 11.10.2024 and in custody since then.

3. As per the FIR dated 11.10.2024 lodged before the Officer-in-Charge of Biswanath Chariali Police Station, the allegation against the petitioner is that he was driving a White Colour Hyundai Creta vehicle bearing Registration No.AS-17L-9101 without having any number plate on its backside and was coming towards Gohpur from Tezpur along with another. While the said Car was intercepted, the petitioner could not place any valid document pertaining to the said vehicle, nor could place any materials pertaining to ownership of the said White Colour Hyundai Creta vehicle bearing Registration No.AS-17L-9101 and inspite of giving him time, he failed to place any document with regard to the said vehicle. He only stated that he had purchased the said vehicle from Arunachal Pradesh and was proceeding to Arunachal Pradesh. With suspicion that it is stolen vehicle as the petitioner could not place any document of the said vehicle that he was driving, he was taken into custody and later arrested in the case.

4. By order dated 12.11.2024 the Court called for the case diary.

5. Mr. Sarma, learned Addl. PP while placing the case diary submitted that the matter needs further investigation and that as the petitioner is from the State of Arunachal Pradesh, he should not be released on bail atleast for some time, so as to record the statement of other acquainted witnesses of the case.

6. From the case diary, it is seen that the concerned Investigating Officer of the case after arresting the petitioner in the case on 11.10.2024 and producing

him before the learned Chief Judicial Magistrate, Biswanath Chariali, did not proceed with the investigation of the case, except seeking the Call Detail Report (CDR) of the three mobile numbers; one, that is of the petitioner, another that of the person from whom the petitioner allegedly purchased the said vehicle and the third, the person in whose name the said vehicle is registered.

7. Further, the case diary does not contain any other investigating report as to whether the petitioner belongs to the address concerned that he provided during the time of his arrest or whether, the particular person from whom the petitioner allegedly purchased the said vehicle really exists in the given address and whether, the person in whose name the vehicle seized in the case, is registered, appeared in the matter or whether, her statement has already been recorded or not. The case diary which is upto 15.10.2024 is totally silent in all those matters.

8. While forwarding the case diary, the concerned Investigating Officer by his communication dated 26.11.2024 only objected that the petitioner should not be released on bail, as he is from the State of Arunachal Pradesh and if he is released on bail, he may not make himself available before the said Investigating Officer.

9. Considering the materials in the case diary and the period of detention of the petitioner since 11.10.2024, the Court is of the view that his further custodial detention is not warranted for investigation of said **Biswanath Chariali P.S. Case No. 182/2024** and as such, this bail application of the petitioner is accepted.

10. Accordingly, the petitioner, namely, **Sri Sanjay Dodum** be released on bail in said **Biswanath Chariali P.S. Case No. 182/2024** on furnishing a bail

bond of Rs. 1,00,000/- with two local sureties each of the like amount, one of which shall be a government employee, either State Government or Central Government, to the satisfaction of the learned Chief Judicial Magistrate, Biswanath Chariali, Biswanath on conditions that the petitioner – **(i)** shall appear before the Investigating Officer of said Biswanath Chariali P.S. Case No. 182/2024 as and when he is required for necessary investigation of said Biswanath Chariali P.S. Case; **(ii)** shall surrender his passport, if any, before the learned Chief Judicial Magistrate, Biswanath Chariali, Biswanath on or before 04.12.2024; **(iii)** shall not leave the territorial jurisdiction of Biswanath Chariali Police Station without obtaining prior written permission from the Investigating Officer of the 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 such criminal activities in future, failing which, the bail granted to him in said Biswanath Chariali P.S. Case No. 182/2024 shall stand automatically vacated.

11. Any violation of the aforesaid terms and conditions by the petitioner, named above, the bail granted to him in the aforementioned **Biswanath Chariali P.S. Case No. 182/2024** shall stand automatically vacated.

12. Bail application stands allowed to the extent above.

13. Return the case diary.

JUDGE

Comparing Assistant