

GAHC010239862024



2024:GAU-AS:11687

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

Case No. : Bail Appln./3476/2024

SHRI RAJU GOHAIN AND ANR
S/O LATE DILDHAR GOHAIN
R/O VILL- BRAHMAJAN
P.O. BRAHMAJAN, PIN-84172
P.S. HELEM, DIST. BISWANATH, ASSAM

2: SHRI KAMAL PORJA
S/O LATE KRISHNA @ KASYALYA
PORJA R/O VILL- KETELA T.E.
P.O. KETELA
PIN-784166
P.S. BEHALI
DIST. BISWANATH ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. P BORDOLOI, MS M NIROLA

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

26.11.2024

Heard learned counsel, Mr P Bordoloi, for the petitioners, 1) Shri Raju Gohain and

2) Shri Kamal Porja, who have filed this application under Section 483 of the BNSS, 2023, with prayer for bail as they are behind bars since 26.10.2024, in connection with Helem PS Case No. 78/2024, corresponding to GR Case No. 285/2024, under Sections 303(2)/317(2)/111(6) of the BNS, 2023.

2. Heard Mr R R Kaushik, learned Additional Public Prosecutor for the State respondent.

3. The FIR unfolds that a tip-off was received by the Police and the investigating team that the petitioner No. 1 is running a business of receiving stolen vehicles and after transforming the vehicle into scrap materials, he is selling the same for profit. During investigation, the Police found the petitioner No. 1 transforming the old vehicles into scrap materials and loading the same into a truck bearing Registration No. AS-07C-9121, for transporting the materials.

4. It is submitted on behalf of the petitioner No. 1 that no direct allegations have been made against the petitioner No. 1 that he is responsible for selling the vehicles which are transformed into scrap materials. Further, it is submitted that the petitioner No. 2 was acting under the instructions of petitioner No. 1 and he was not aware of any shady business.

5. Learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary against the petitioners.

6. I have scrutinized the Case Diary.

7. Indeed, there are incriminating materials in the Case Diary against the petitioners.
8. However, I have considered the submission that the petitioners are willing to cooperate with the remaining part of investigation.
9. I have also considered the submission that further custodial detention for further progress of investigation may not be required.
10. The petitioners have pledged to abide by any stringent conditions, if imposed upon them. The petitioners are local residents and they are not flight risks.
11. Considering all aspects, petition is allowed. The petitioners are enlarged on bail of Rs. 50,000/- each, with one suitable surety each of the like amount to the satisfaction of the learned SDJM(M), Gohpur, under the conditions that-
 - i) the petitioners shall refrain from such activities with which they are alleged,
 - ii) the petitioners shall appear before the investigating agency on every fortnight, till completion of investigation, and
 - iv) the petitioners shall not leave the jurisdiction of the Court, without prior permission.
12. On breach of any of the bail conditions, the jurisdictional Court is at liberty to immediately cancel the bail granted to the petitioners.
13. Bail Application stands disposed of.

14. Send back the Case Diary.

JUDGE

Comparing Assistant