

GAHC010275192023



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

Case No. : Bail Appln./4445/2023

KULDIP SINGH
S/O- MAHENDRA SINGH, BY FAITH AND RELIGION- HINDU, BY
PROFESSION PRIVATE JOB, PERMANENT RESIDENT OF - THIKRIYA, WARD
NO-11, P.S- BAGRU, IN THE DISTRICT OF JAIPUR RAJASTHAN AND
PRESENTLY RESIDING AT C/O- M/S SERVICE STATION, MORIGAON, NEAR
VISHAL MEGA MART, P.S- MORIGAON, IN THE DISTRICT NAGAON,
ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR. V N UPADHYAY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

04.01.2024

Heard Ms. P. Mishra, learned counsel appearing for the accused petitioner as well as Mr. B. B. Gogoi, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely **Kuldip Singh**, has prayed for grant of bail in connection with **Morigaon PS Case No. 418/2023 under Section 265/266/406/409/420 of the IPC.**

The case diary, as called for, is placed before the Court.

Learned counsel for the petitioner submits that the accused has been detained in jail custody since 11.11.2023, that is, for last 54 days and that the mandatory period of detention for such offence is 60 days. He further submits that the petitioner is not a government employee, so Section 409 is not attracted in this case.

Mr. B. B. Gogoi, learned Addl. P.P., Assam appearing for the State respondent has produced the case diary and submits that the allegation against the petitioner is that he did not maintained the stock register and price display board.

I have perused the case diary. Considering the length of detention in judicial custody (54 days), this Court is of the considered opinion that further custodial of detention of the accused in the interest of ongoing investigation is not warranted.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs. 30,000/-** with one surety of like amount to the satisfaction of the **learned Chief Judicial Magistrate, Morigaon** subject to the following conditions-

- (i) That the accused petitioner shall cooperate with the Investigating Officer as and when required;
- (ii) That the accused 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 the Police Officer or the Court; and
- (iii) That the petitioner shall refrain from committing any similar offences

in future of which he is accused or suspected of commission.

Return the case diary.

This disposes of the bail application.

JUDGE

Comparing Assistant