

GAHC010288302023



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

Case No. : Bail Appln./4630/2023

GANESH BORO
S/O LT. NAGEN BORO
R/O VILL- KHARGHULI BONKONWAR NAGAR, P.S. LATASIL
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. T CHUTIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

12.02.2024

Heard Mr. T. Chutia, learned counsel for the accused and Mr. R.J. Barua, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused namely, **Sri Ganesh Boro**, who has been languishing in jail hazot, in connection with the **Latasil P.S. Case No. 218/2023**, under Section 379 of the IPC, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by one Sarbananda Hazarika, on 02.12.2023. The essence of allegations made in the FIR is that on 02.12.2023, one Raz Hazarika and Ganesh Boro have stolen some iron rod, light cable wire and one motor pump from the work site situated at Uzanbazar, Jahajghat and they were caught red handed with one 8 feet Charia.

4. Mr. Chutia, learned counsel for the accused submits that the accused was arrested on 03.12.2023, and since then he has been languishing in jail hazot for last 71 days. Mr. Chutia further submits that the accused is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Barua, learned Additional Public Prosecutor submits that he has not received the case diary, but he has the instruction that the I.O. has already completed investigation and laid Charge-Sheet against the accused, under Section 379 of the IPC, vide Charge-Sheet No. 150/2023, dated 03.12.2023.

6. Since the IO has submitted charge sheet after completion of the investigation and since the accused has been languishing in jail hazot for last 71 days, further custodial detention of him may not be warranted in the interest of investigation.

7. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- each only, with one surety of like amount to the satisfaction of the learned **Chief Judicial Magistrate, Kamrup [M] at Guwahati**, the accused persons be enlarged on bail.

8. In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant