

GAHC010290612023



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

Case No. : Bail Appln./4652/2023

SONU KUMAR
S/O RAMESH CHANDRA
R/O GALI NO. 11,
-12 MADHUVAN VIHAR, SAHARANPUR P.S. SAHARANPUR
STATE- UTTAR PRADESH.

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. T SOM

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

10.01.2024

Heard Ms. T. Som, learned counsel for the accused and also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under section 439 Cr.P.C. is preferred by accused, namely, Sonu

Kumar, who has been languishing in jail hazot since 16.12.2023, in connection with Hajo P.S. Case No.720/2023, under Section 420/379/511 IPC, for grant of bail.

3. It is to be noted here that the above noted case has been registered on the basis of an FIR lodged by one Paresh Ch. Malakar on 16.12.2023. The essence of allegation made in the aforesaid FIR is that on 16.12.2023, at about 1:50 p.m., when the informant attempted to withdraw money from SBI ATM located near Damdama Chowk, then one person taken his ATM card and he changed the same and thereafter, he tried to flee away and then he caught hold of the person and handed him over at the police station.

4. Ms. Som, learned counsel for the accused, submits that the accused has been languishing in jail hazot for last 26 days and that the case has been registered under Section 420/379/511 IPC and the investigation in the meantime might have been completed and as such, his further custodial detention may not be required and therefore, it is contended to allow the petition.

5. On the other hand, Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials against the accused. However, Mr. Baruah submits that the investigation has progressed sufficiently.

6. Having heard the submission of learned Advocates for both the sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Baruah, learned Additional P.P.

7. The case diary indicates that the accused was arrested on 16.12.2023, and since then he has been languishing in jail hazot. The case diary also indicates that material part of the investigation is almost over and in the interest of investigation, further custodial detention of the accused seems to be not warranted here in this case and therefore, this Court is inclined to allow this petition.

8. It is provided that on furnishing a bond of ₹ 50,000/- with one surety of the like amount to the satisfaction of the learned Judicial Magistrate First Class, Hajo, the

accused, namely, Sonu Kumar, be enlarged on bail.

9. In terms of above, this bail application stands disposed of. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant