GAHC010164332020

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

Case No. : Bail Appln./2528/2020

HIRAK JYOTI KALITA
S/O. SRI TARANI KALITA, VILL. UZANBORBORI, P.O. KARDAIGURI, P.S. PATACHARKUCHI, DIST. BARPETA, ASSAM, PIN-781318.

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM.

Advocate for the Petitioner : MR H TALUKDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR JUSTICE SONGKHUPCHUNG SERTO

ORDER

Date : 23-11-2020

Heard Mr. H. Talukdar, learned counsel for the petitioner.

This is an application under section 439 of Cr. P.C, praying for release of the petitioner who was arrested on 21.10.2020 and has been under judicial custody since 26.10.2020, in connection with Noonmati P.S Case No. 644/2020, registered under section 406/420 of IPC.

It is submitted by the learned counsel of the petitioner that the petitioner is driver of the complainant, therefore, in the course of his duty he kept the vehicles in his custody while

coming back from Mizoram but with no ill intention to deprive the owner. He also submitted that the vehicles have been seized by the Police soon after his arrest, therefore, keeping him in custody is no longer necessary.

Learned P.P. State of Assam also submits that the vehicles bearing Reg. No. AS-01-JC-5978 (Bolero Pick-up) & AS-25-DC-4867 9Swift Dzire) have been already recovered and seized from the possession of the petitioner.

Considering the offences charges against the petitioner and the facts and circumstances of the case submitted by both the learned counsels, I am of the view that keeping the petitioner under judicial custody is no longer necessary. Therefore, the prayer for release of the petitioner on bail is allowed. He shall be released on furnishing a PR bond of Rs. 20,000/- with a surety bond of the like amount, to the satisfaction of the CJM (Metro), Kamrup.

Bail Application stands disposed.

JUDGE

Comparing Assistant