GAHC010164492020

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

Case No. : Bail Appln./2524/2020

AHULA SIVA AND 5 ORS
S/O. SRI AWOLA SHIVA SALAM, R/O. ORISSA TASPUR, P.S. KHURE, DIST. JASPUR, ORISSA.

2: SAHIL DAS
S/O. SRI MOTHIARU DAS
R/O. ORISSA DHARAKOT
P.S. DHARAKOT
DIST. GANJAM
ORISSA.

3: KAILASH DAS

S/O. SRI KARTHIK DAS
R/O. ORISSA KHUDRA
P.S. KHUDRA
DIST. GANJAM
ORISSA.

4: AULA ROCKY
S/O. SRI A. KONDA
R/O. ORISSA
BHANJIA NAGAR
P.S. BHANJIANAGAR
DIST. GANJAM
ORISSA.

5: D. RABI
S/O. LT. D. AFAR
R/O. ORISSA BHANJIA NAGAR
P.S. BHANJIA NAGAR
DIST. GANJAM
ORISSA.

6: A. JAGAPATHI @ AUULA JAGAPAHI

S/O. SRI. GOPI
R/O. EAST GORKHABARU
P.S. GORKHABARU
DIST. GOJABARI
ANDRAPRADWSH

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM.

Advocate for the Petitioner : MR. A TALUKDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

04.12.2020

Heard Mr. S. Munir, learned counsel for the accused-petitioners and Mr. N.K. Kalita, learned Addl. PP Assam for the State/respondent.

By this petition under Section 439 Cr.P.C., the petitioners, namely, **1. Ahula Siva, 2. Sahil Das, 3. Kailash Das, 4. Aula Rocky, 5. D. Rabi** and **6. A. Jagapathi @ Auula Jagapahi** have prayed to release them on bail, in connection with **Sivasagar P.S. Case No. 1082/2020** under Section 392 IPC.

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

Mr. S. Munir, learned counsel, appearing for the accused-petitioners, submits that they were innocent and was no way involved in the alleged occurrence, which was not in the nature of against the society. Mr. Munir further submits that they are in judicial custody for 57

days and as they have undergone police interrogation, their further continuance in detention may not be necessary.

Mr. N.K. Kalita, learned Addl. Public Prosecutor, Assam, fairly submits that the case diary reveals sufficient prima facie incriminating material against the accused petitioners, who are stated to be members of a group of miscreants known as 'Irani group', engaged in snatching money and property on streets.

The allegation is that some miscreants snatched away Rs. 1 lakh from the hand of the informant in broad daylight.

On perusal of the case diary, it is revealed that the looted money is yet to be seized. There is abundance of prima facie evidence that the accused petitioners had committed the offence, subject, of course, to final outcome in investigation. They are in judicial custody since 08.10.2020. The investigation is yet to be completed.

However, keeping in consideration of the pros and cons of the evidence, so far collected and the length of detention, this court is of the view that if the liberty of bail is granted to the accused persons, further investigation into the case is unlikely to be adversely affected.

Therefore, it is directed that **each** of the accused-petitioners named above, shall be released on bail of **Rs. 30,000/-** (Rupees Thirty Thousand) only, with one surety of the like amount to the satisfaction of the learned **CJM, Sivasagar**, subject, of course, to the following conditions:

1. That the accused-petitioners shall co-operate in the investigation as and when required;

2. That the accused-petitioners 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 either to the Court or to any police officer; and

3. That the accused-petitioners shall not hamper or tamper with the investigation in any manner.

4. That the accused petitioners and their bailers shall produce their Voter Identity Card/Passport/Permanent Residential Certificate, whatever is available at the time of submission of the bail bond for satisfaction of the learned Court below regarding their identity and address and then return the same retaining scanned copy thereof on record.

This disposes off the bail application.

Return the case diary.

JUDGE

Comparing Assistant