

BA. No. 7/2017

**BEFORE
THE HON'BLE MR. JUSTICE S.R.SEN**

28-04-2017

Heard learned counsel for the applicant, Mr. Tapan Thakuria who submits that the accused is not involved in the case and has been unnecessarily arrested and he is in custody from 07-01-2016 till date.

He also further argued that charge sheet has been filed and the investigation is over, so his being in custody is not necessary.

In response to order dated 20-04-2017, Shri. KP Singh, Investigating Officer appeared as well as case record received from the learned Court below.

Perused the record.

Learned State counsel, Mr. R. Gurung submits that the accused is a habitual offender. Earlier also he had committed a similar type of offence and was absconding for a long time. In this case, after lots of efforts he has been captured and if he is released on bail there is every possibility that he may abscond again.

After hearing the submissions advance by the learned counsels for the parties as well as perusal of the record, I could not satisfy myself of any reason to record to grant the bail in favour of the accused and it is also not sure that he may not abscond or face the trial. In my view, the offence is serious in nature and learned Court below should be given an opportunity to complete the trial and decide the matter in accordance with law. However, since the accuse is in custody, the Court should make an endeavour to expedite the trial and decide the matter.

Accordingly, for the reasons discussed above, bail application is dismissed and stands disposed of.

Registry is directed to send the lower court case record immediately along with a copy of this order. Personal appearance of Shri. KP Singh, Investigating Officer is hereby dispensed.

JUDGE

S.Rynjah