

GAHC010063712020



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

Case No. : Bail Appln. 778/2020

1:TH. MANISANA SINGHA
S/O LT. TH. GOUR CH. SINGHA, VILL-RAJYESWARPUR PT II, P.S.-LALA,
DIST-HAILAKANDI, ASSAM

VERSUS

1:THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Counsel for the applicant (s) : Mr. K. A. Mazumder, Advocate.

Counsel for the respondent(s) : Mr. N.J. Dutta,
Additional Public Prosecutor, Assam

BEFORE

HON'BLE THE CHIEF JUSTICE MR. AJAI LAMBA

30.03.2020

1. The applicant, namely Th. Manisana Singha filed this application for bail under Section 439 of the Code of Criminal Procedure in Hailakandi P.S. Case No.80/2020, under Sections 457/380 of IPC.
2. The Court proceedings have been conducted by means of creating a Virtual Court with the help of technology, so as to maintain distance between the staff, Advocates and the Presiding Judge.
3. Heard Mr. K. A. Mazumder, learned counsel for the applicant and Mr. N. J. Dutta,

learned additional Public Prosecutor, Assam.

4. The FIR was registered at the instance of the applicant/accused with the accusation that the applicant/complainant is representative of FIS Payment Solutions and Services India Ltd. The said Company is dealing with installment/maintenance and operation of ATM kiosks in all public sector banks in the entire North-eastern States of India. ATMs have been installed. On 30.01.2020, at night, some miscreants cut opened an ATM vault and took away Rs.25,90,000/- and damaged assets worth Rs.2,00,000/-.

5. It appears that the applicant has been taken in custody on the premise that despite specific direction, the applicant did not install CCTV cameras, and therefore, the miscreants could not be apprehended.

6. I have questioned learned Additional Public Prosecutor as regards recovery from the applicant because his police remand was taken. Mr. N. J. Dutta, learned Additional Public Prosecutor has informed the Court that three notes of Rs.500/- denomination each have been recovered.

7. Considering the totality of the facts and circumstances of the case, I find that the applicant might have been implicated only because he did not perform his duties, as stipulated. CCTV cameras were not installed, although they were required to be installed. Technically, offence under Sections 357-380 IPC might not be found to have been committed during the course of trial, in view of peculiar facts and circumstances of the case.

8. In view of the above, the application is allowed.

9. It is hereby directed that the applicant, namely Th. Manisana Singha be released on bail on his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate, Hailakandi.

10. Heavy surety.

11. It is made clear that in case the applicant approaches any witness or delays the trial, the prosecution would be at liberty to seek cancellation of bail of the applicant.

12. Let a copy of this order be provided under the signature of the Court Master.

CHIEF JUSTICE

Comparing Assistant