

GAHC010114012020



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

Case No. : Bail Appln. 1693/2020

1:AJOY BISWAS
S/O. LT. AMAR KT. BISWAS, R/O. JAIL ROAD, SHILLONG, P.S. SHILLONG
(SADAR), DIST. EAST KHASI HILL, MEGHALAYA.

VERSUS

1:THE STATE OF ASSAM
REP. BY PP, ASSAM.

Advocate for the Petitioner : MR. P K DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE N. KOTISWAR SINGH

ORDER

31.08.2020

Heard Mr. N. Mahajan, learned counsel for the applicant/petitioner. Also heard Mr. N.J. Dutta, learned Additional Public Prosecutor, Assam, appearing for the State.

2. The present application has been filed under Section 439 Cr.P.C. for release of the petitioner on bail in connection with Patacharkuchi Police Station Case No.86/2020 registered under Section 457/380 of the Indian Penal Code.

3. It has been submitted by the learned counsel for the petitioner that though the petitioner was arrested in connection with the aforesaid case relating to theft of motorbikes, the said bikes have been already recovered. Moreover, the main accused, namely, Rajiv Kr. Singh has been already arrested by the police. It has been further submitted that in the FIR, the name of the petitioner is not mentioned and the petitioner has been arrested merely because of his association with the said Rajiv Kr. Singh and also on suspicion.

4. It has been submitted that in another related case registered against the petitioner in Dillai P.S. Case No.07/2020 registered under Section 379 IPC relating to similar allegation of theft of bike, the petitioner has been already released on bail by this Court on 20.08.2020 in Bail Appln. No.1603/2020 on the ground that the main accused Rajiv Kr. Singh had already been arrested and is under custody and there is no direct involvement of the petitioner.

5. Learned Additional Public Prosecutor also in view of the above order passed by this Court in another related case wherein the said Rajiv Kr. Singh, the main accused has been already apprehended, and that in the present case, the vehicles have been already recovered, has not raised serious objection to his bail application.

6. Having heard the learned counsel for the parties and also considering the fact that the stolen bikes have been already recovered and the main accused, namely, Rajiv Kr. Singh has been already apprehended and since the name of the petitioner does not find place in the FIR and as the petitioner has been in custody since 38 days, the present application is allowed by enlarging the petitioner on bail on furnishing a bail bond of ₹ 1,00,000/- with one local surety of the like amount to the satisfaction of the learned S.D.J.M., Bajali with the following conditions:-

- (I) That the petitioner shall inform any change of address/his station to the Investigating Officer of the case and also shall present himself before the I.O. as and when directed to do so;
 - (II) That the petitioner shall cooperate with the investigation and will not do anything to intimidate or influence the witness or destroy the evidence, failing which this order may be liable to be recalled; and
 - (III) That the petitioner 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 to the Court or to any police officer.
7. Bail application stands disposed of accordingly.

Sd/- N. Kotiswar Singh
JUDGE

Comparing Assistant