

GAHC010051302024



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

Case No. : Bail Appln./727/2024

RAJU GIRI
S/O LATE PURUSUTTAM GIRI
R/O VILL- PUB BORAGAON
NEAR KALAPANI SHIV MANDIR,
P.S. GARCHUK
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. G PHUKAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

13.03.2024

Heard Mr. G. Phukan, learned counsel for the accused and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application under Section 439 Cr.P.C. is preferred by accused, namely, Raju Giri, who has been languishing in jail hazot since 01.03.2024, in connection with Dispur P.S. Case No.172/2024, under Section 13/14 of the Assam Game and Betting Act, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by S.I. Mukul Ch. Sarmah of Odalbakra Out Post, on 01.03.2024. The essence of allegation made in the aforesaid FIR is that on that day, at about 12:00 noon, acting on a tip of, they have conducted search at Odalbakra area and apprehended accused Raju Giri with cash amount of ₹ 7,455/-, 2 nos. of PayTM scanner with sound device, one calculator, one Teer Number Plate with 2 nos. of written Teer Book, 8 nos. of numbering leaf of Teer games Ticket Book with 21 nos. of small blank Teer Book, one Real Me Mobile and one Scooty, bearing Registration No.AS-01EZ-2339 with Helmet and key of the Scooty and he confessed having the business of illegal gambling teer in the Odalbakra area.

4. Mr. Phukan, learned counsel for the accused submits that the accused was arrested on 01.03.2024 and since then he has been languishing in jail hazot. Further, Mr. Phukan submits that the relevant materials have already been seized and that the accused is ready to cooperate with the investigating agency and therefore, Mr. Phukan contended to allow this petition.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, submits that at this stage, only the case diary may be called for.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record.

7. It appears that the accused was arrested on 01.03.2024 and since then he has been languishing in jail hazot. Further, it appears that the material part of the investigation almost completed and further custodial detention may not be required in the interest of investigation and therefore, this Court is inclined to allow this petition. It is

provided that on furnishing a bond of ₹ 50,000/- with one surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), the accused, namely, Raju Giri, be enlarged on bail.

8. In terms of above, this bail application stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant