

GAHC010051662024



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

Case No. : Bail Appln./726/2024

RAJU SINGHA
S/O LATE MONIBABU SINGHA
PERMANENT RESIDENT OF KABUGANJ SONAI, P.S. SONAI
DIST. CACHAR, ASSAM,
PIN-788099
AND PRESENTLY RESIDING AT NOWAPARA
P.S. AZARA,
DIST. KAMRUP (METRO), ASSAM
PIN-781017

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. B P SINHA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN**

ORDER

13.03.2024

Heard Mr. B.P. Sinha, 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 Singha, who has been languishing in jail hazot since 16.02.2024, in connection with Azara P.S. Case No.32/2024, under Section 379 IPC, 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 one Pritam Roy, on 15.02.2024. The essence of allegation made in the aforesaid FIR is that on 15.02.2024, at about 11:15 a.m., while he was going to visit a doctor at Azara Primary Health Centre, then someone has stolen his bag containing the iPad, medicine samples and some other necessary documents.

4. Mr. Sinha, learned counsel for the accused submits that the accused was arrested on 16.02.2024 and since then he has been languishing in jail hazot for last 27 days. Further, Mr. Sinha submits that the accused was a brilliant student and is a mechanical engineer and that he is no way involved with the offence alleged in the FIR and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow this petition.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, referring to the forwarding report dated 17.02.2024, submits that the stolen articles were recovered from the possession of the present accused and he was caught red-handed by public after verifying CCTV footage of Azara P.S. and therefore, Mr. Sarma has opposed the petition.

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 16.02.2024 and since then he has been languishing in jail hazot for last 27 days. Further, it appears that the stolen bag has already been recovered and seized by the I.O. Further, it appears that service of notice under Section 41A Cr.P.C. has also not been complied with while causing arrest of the accused.

8. Having considered above and also considering the period of detention and balancing the same with the nature and gravity of the offence, this Court is of the view that further custodial detention of the accused 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 Singha, be enlarged on bail.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant