

GAHC010001942024



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

Case No. : Bail Appln./22/2024

PRAMOD KUMAR AND 2 ORS
S/O BIJOY PAUL
R/O HAPUR
DIST. HAPUR
STATE- UTTAR PRADESH.

2: BIPIN KUMAR
S/O ASHOK KUMAR
R/O HAPUR
DIST. HAPUR
STATE- UTTAR PRADESH.

3: DATA RAM
S/O ISWAR CHAND
R/O HAPUR
DIST. HAPUR
STATE- UTTAR PRADESH
PH. 957772646

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR D MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

12.01.2024

Heard Mr. D. Medhi, learned counsel for the accused and also heard Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under section 439 Cr.P.C. is preferred by three accused, namely, Pramod Kumar, Bipin Kumar and Data Ram, who have been languishing in jail hazot since 28.12.2023, in connection with Guwahati GRPS Case No.270/2023, under Section 120(B)/379/411/420 of the IPC, for grant of bail.

3. It is to be noted here that the above noted case has been registered on the basis of an FIR lodged by one Rajkumar Singh, ASI of Guwahati GRPS on 27.12.2023. The essence of allegation made in the aforesaid FIR is that the accused persons were in possession of 1.840 kg of suspected fake gold while they were travelling in DN New Delhi Poorvottar Samparkranti Express in Coach No.A4, at about 6:00 a.m. in platform No.3 of Guwahati Railway Station and they failed to produce any document of possessing the said fake gold metals.

4. Mr. Medhi, learned counsel for the accused, submits that the accused persons were arrested on 28.12.2023 and they are behind the bar for last 15 days. Referring to the allegation made in the FIR dated 27.12.2023, Mr. Medhi submits that there is no allegation of cheating or committing theft or possessing stolen property by the accused persons and that the accused persons are innocent and they are ready to cooperate with the investigating agency and therefore, it is contended to allow this petition.

5. On the other hand, Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials against the accused and therefore, Mr. Lahkar contended to dismiss the petition.

6. Having heard the submission of learned Advocates for both the sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Lahkar, learned Additional P.P.

7. Having considered the submission of learned Advocates of both sides and also considering the materials collected so far in the case diary and the nature and gravity of the offence and balancing the same with the period of detention, this Court is of the view that further custodial detention of the accused persons may not be warranted in the interest of investigation and accordingly, it is provided that on furnishing a bond of Rs.50,000/- each, with one surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), all the three accused persons, namely, Pramod Kumar, Bipin Kumar and Data Ram, be enlarged on bail.

8. In terms of above, this bail application stands disposed of. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant