

Crl. Misc.(B) Case No. 30/2022

10.02.2022

The case is fixed today for necessary order.

This bail application has been filed under Section 438 of Cr.P.C. by the accused/petitioner Sri Padma Gogoi praying to grant him pre-arrest bail in connection with Lahowal P.S. Case No. 17/2022, under Section 379/411 of IPC.

The allegation in the FIR dated 25.01.2022 of one Sri Sunit Konwar is that a month ago a battery of JCB vehicle bearing registration No. AS06-BC-1232 and rods worth approximately Rs. 2,00,000/- had been stolen near Airport Runway site.

The certified copy of the accused forwarding report shows that during the investigation three suspected persons, namely Sri Vishal Murah, Sri Birju Murah and Ajit Murah, were brought for interrogation during which they confessed about the theft. It was surfaced during their interrogation that they sold the stolen rods to Sri Palash Gogoi and the stolen battery to Sri Birbal Mahato. During the investigation the stolen rods were recovered from the possession of Sri Palash Gogoi which was kept hidden at his house. All the above-named five accused persons were arrested and forwarded to the Learned Court on 27.01.2022.

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In the bail application, it is stated inter alia that the accused/petitioner Sri Padma Gogoi is no way concerned and related to the case, but the Police is searching him for no fault of his own. It is further stated that the accused/petitioner, has become a scapegoat for the misdeeds of others.

A perusal of the case diary shows that out of the arrested accused persons, the accused Sri Palash Gogoi happens to be the brother of the accused/petitioner. Some rods were recovered from the house of the said accused and it is seen that the wife of the accused/petitioner was one of the seizure witnesses. But, so far as the accused/petitioner is concerned, I do not find anything against him in the case diary. Therefore, I fail to understand why the Police have been searching for him, as alleged in the bail application, and which is why he has been compelled to file this bail application.

Considering the materials in the case diary, as discussed above, it is directed that the accused/petitioner Sri Padma Gogoi, in the event of his arrest in connection with Lahowal P.S Case No. 17/2022, shall be released on bail on furnishing bail-bond for a sum of Rs. 10,000/- (Rupees Ten Thousand) with a suitable surety of like

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amount, to the satisfaction of the Arresting Authority, with the following conditions: (1) that the accused/petitioner shall make himself available for interrogation by the I/O as and when required and (2) that the accused/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.

Send back the C/D along with a copy of this order.

A true copy of this order be furnished to the Learned Advocate for the accused/petitioner.

This Crl. Misc.(B) case accordingly stands disposed of.


Addl. Sessions Judge,
Dibrugarh
Dibrugarh

2/11/22
to Subal PS
11/2/22