

GAHC010043282024



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

Case No. : Bail Appln./569/2024

KHARGESWAR DAS
S/O LATE BIDYA CHANDRA DAS
R/O NEAR AAONIATI SATRA,
NORTH GUWAHATI MAJ GAON,
HOUSE NO. 442, P.S. NORTH GUWAHATI, DIST. KAMRUP (RURAL), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A CHAUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 29-02-2024

Heard Mr. B. Mahajan, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

2. This is a second application under Section 439 of the Code of Criminal Procedure, 1973 (CrPC, in short) for granting bail to the accused petitioner i.e.

Khargeswar Das, who was shown arrested on 18.12.2023 in connection with Gorchuk Police Station Case No. 324/2023 registered under Sections 120(B)/467/468/447/427/379 of the Indian Penal Code, 1860 (IPC, in short).

3. The case of the prosecution is that the land of the informant was mutated in the name of one Manik Das fraudulently without there being any entry in the Index Box in the office of the Sale Register.

4. The earlier bail application on behalf of the petitioner was rejected by this Court on 30.01.2024, inter alia, on the ground that the investigation was at an active stage.

5. Mr. B. Mahajan, learned counsel for the petitioner submits that the petitioner was shown arrested on 18.12.2023 and has been languishing in jail since last 74 (Seventy Four) days in connection with this case.

6. Mr. D. Das, learned Additional Public Prosecutor on the other hand strongly opposes the prayer for bail. He submits that the petitioner was last interrogated when he was in police custody and that he was transferred from police custody to judicial custody on 20.12.2023. He further submits that thereafter he has not been interrogated.

7. I have considered the submissions made at the bar and have perused the materials available on record.

8. It appears that the petitioner was last interrogated during police custody and thereafter, since 20.12.2023 he has not been further interrogated.

9. Considering the totality of the matter and that he has not been interrogated further and also the length of detention, this Court is inclined to grant bail to the petitioner.

10. Accordingly, it is provided that the accused petitioner named above shall be released on bail in connection with the above-noted case with a bail bond of Rs. 60,000/-(Rupees Sixty Thousand) only with one surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati subject to the following conditions:-

- i) The accused petitioner shall cooperate with the Investigating Officer as and when required;
- ii) 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 Police Officer or the Court; and
- iii) The accused petitioner shall refrain from such activities with which he is alleged, failing which, the bail order shall stand cancelled.

11. The bail application stands disposed of

JUDGE

Comparing Assistant