

GAHC010018412023



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

Case No. : Bail Appln./326/2023

SARBANANDA NATH
S/OLT. PRASANA RAM NATH
R/O VILL- TENGATOL, CHANGSARI
P.S. CHANGSARI, PIN-781101, DIST. KAMRUP, ASSAM, PH. NO. 9707298848

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : SIRAJ CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 08.02.2023

Heard Mr. Siraj Choudhury, learned counsel for the petitioner. Also heard Mr. M. P. Goswami, learned APP appearing for the State.

The petitioner, who was arrested on 05.01.2023 is seeking regular bail under section 439 Cr.P.C. in connection with Hatigaon P.S. Case No. 582/2022

under sections 419/420 IPC read with section 66 (D) of the IT Act.

The learned APP has produced the case diary and opposed the prayer for bail on the ground that money was collected to the fake website of the Excise Department of the Govt. of Assam in the name of allotting IMFL Licence and some of the co-accused have also received huge amount of money and divided the same amongst them, including the petitioner.

On perusal of the case diary, it is seen that there is no note of the I.O. that in the course of investigation, any expert opinion has been sought for determining as to who has opened the fake website of Excise Department of the Govt. of Assam, and to ascertain as to whether the petitioner was operating the said fake web-site, or bank account referred therein.

Accordingly, this Court is of the considered opinion that further custodial interrogation of the petitioner may not be necessary. Hence, the Court is inclined to grant bail to the petitioner, namely, Sarbananda Nath in connection with the aforesaid case on furnishing bail bond of Rs.50,000/- with two suitable sureties of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M) Guwahati:

The bail is granted on the following conditions:

1. The petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.
2. The 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 Court or to any police officer or tamper with the evidence. He shall not, in any manner,

try to overawe or influence or intimidate the prosecution witness.

3. The petitioner shall not obstruct the smooth progress of the investigation/trial.

4. The petitioner shall not misuse his liberty in any manner.

5. The petitioner shall appear before the I/O once in a month from today and he shall continue to appear till his appearance is dispensed with or charge-sheet is filed, whichever is earlier.

6. This Court is inclined to provide that in the event if any cogent and reliable materials are collected by the IO showing that the petitioner is found involved in the operation of fake website of Excise Department of the Govt. of Assam, it is open to the IO to move to the jurisdictional Court and apply for cancellation of bail of the petitioner.

The case diary is returned.

This application stands disposed of.

JUDGE

Comparing Assistant