

GAHC010082602023



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

Case No. : Bail Appln./1391/2023

KAMAL BHUYAN
S/O- LATE MAHENDRA BHUYAN, PERMANENT RESIDENT OF VILLAGE-
CHENGAIGAON (BORIGAON), P.O. AND P.S. GOHPUR, DIST.- BISWANATH,
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM

Advocate for the Petitioner : MR. D CHAKRABARTY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 27-04-2023

- 1.** Heard Mr. D. Chakrabarty, learned counsel for the petitioner Kamal Bhuyan. Also heard Mr. K.K. Parashar, learned Add. P.P. for the State of Assam and Mr. Z. Alam, learned counsel representing the respondent.
- 2.** The petitioner has filed an application under Section 439 Cr.PC with prayer for bail as

he is in custody since 04.04.2023 in connection with Gohpur P.S. Case No. 75/2023 (G.R. No. 103/2023) under Sections 419/420/468/406/511 IPC added Sections 120B/34 IPC.

3. I have considered the submissions at the Bar with circumspection and I have also perused the Case Diary.

4. The FIR unfolds that the informant Bijoy Bora and Lakhikanta Bora @ Amulya Bora are co-pattadars of land appertaining to Patta No. 43 covered by Dag Nos. 138/147 at village Chengaigaon in the district of Biswanath. The accused petitioner along with the accused named in the FIR have projected the co-pattadars as deceased and had procured death certificates from the local Gaonburah. The petitioner as well as the accused named in the FIR have also forged the signatures of the co-pattadars and exhibited an affidavit for the purpose of deriving compensation for laying of Indradhanu Gas Pipe Line.

5. It is submitted on behalf of the petitioner that he is ailing seriously. He underwent kidney operation and his left kidney was removed. Annexure-3 series are the medical documents which clearly reveals that the left kidney of the petitioner was removed as he was suffering from kidney cancer. The discharge summary depicts that the date of admission was 15.11.2022. The petitioner is apprehending that he may suffer from post surgery infection if he is lodged in the jail any further. It is submitted that the petitioner was not forwarded for better treatment to government hospital or any similar hospital. The report was called from the jail Doctor but no report regarding the health condition was sent from the jail Doctor.

6. The learned Addl. P.P. has submitted that there are incriminating materials against the petitioner.

7. I have considered the health condition of the petitioner. He has been in custody from 04.04.2023.

8. Considering the health condition of the petitioner and considering the length of detention, petition is allowed. The petitioner is enlarged on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned SDJM (M), Gohpur under the conditions that –

i. the petitioner will refrain from such activities with which he is alleged;

- ii. the petitioner will not tamper with the evidence; and
- iii. the petitioner will co-operate with the remaining part of the investigation.

Send back the Case Diary.

JUDGE

Comparing Assistant