

GAHC010083462023



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

Case No. : Bail Appln./1426/2023

TANKESWAR GOGOI
S/O LATE DHANESWAR GOGOI
R/O VILL- DEWANABORI, GOHPUR
P.O. AND P.S. GOHPUR
DIST. BISWANATH, ASSAM
PIN-784168

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. I H SAIKIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 27-04-2023

1. Heard Mr. I.H. Saikia, learned counsel for the petitioner Tankeswar Gogoi. 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 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 dead person 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 affidavits 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 not named in the FIR and he was languishing in the jail since 04.04.2023. It is submitted that there is no allegation against the petitioner regarding forgery of documents. The allegation is against the accused named in the FIR.
- 6.** The learned Addl. P.P. has raised serious objection stating that the accused No. 2 Kamal Bhuyan has confessed and his statement under Section 164 Cr.PC is recorded wherein he has stated that he has submitted that the petitioner has collected the documents like land documents, affidavits, voter ID cards etc. and submitted all these documents to the present petitioner for procuring the benefit under the Indradhanu Pipe Line Scheme. It is also submitted that NOC has been fraudulently obtained by the co-pattadars. It is submitted that fraudulently obtained NOC from the co-pattadars are seized by the police. If the petitioner is enlarged on bail, investigation may be adversely affected.
- 7.** I have considered the submissions that investigation has progressed to a certain extent and the petitioner has been in jail since 04.04.2023. Further detention for investigation may not be necessary.
- 8.** In view of my foregoing discussions, 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