

GAHC010085082023



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

Case No. : Bail Appln./1466/2023

BHANWAR LAL BURDAK
S/O GHISA LAL JAT
R/O 82 K, UTTAR PASHCHIMI DHANIYAN, GODIYAVAS GARH,
DISTRICT SIKAR, RAJASTHAN TEMPORARY ADDRESS- SUBHAM
VELOCITY APARTMENT, 2ND FLOOR G.S. ROAD, (PASSPORT SEVA
KENDRA), P.S. DISPUR, GUWAHATI
DIST. KAMRUP (METRO), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR M GARODIA

Advocate for the Respondent : PP, ASSAM

B E F O R E
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

10.05.2023

1. Heard Mr. M. Garodia, learned counsel appearing for the petitioner as well as Mr. P. Borthakur, learned Addl. P.P. for the State respondent.

2. This application under Section 439 Cr.P.C, is preferred by the petitioner, namely, Bhanwar Lal Burdak, who is in judicial custody since 31.03.2023 in connection with Hatigaon P.S. Case No. 08/2023, registered under Sections 419/420/468/34 IPC.

3. I have considered the submissions at the Bar with circumspection and I have also scrutinized the case record.

4. The case in brief is that Rishab Bharadwaj induced the petitioner and his father to pay Rs. 12,18,000/- for admission in Calcutta National College. Rishab Bharadwaj has informed the complainant that he has consultancy centres at Delhi, Uttar Pradesh, Mumbai and asked the complainant to send his documents to his whatsapp number. The receipt of money was also acknowledged to the complainant by Rishab Bharadwaj. Thereafter, the complainant was asked to go to the medical college and an interview was also conducted, on the second floor of the academic branch of Calcutta National Medical College. Thereafter, Rishab Bharadwaj demanded Rs. 20,00,000/- from the complainant. The complainant's father had also obtained a loan for his admission in the medical college. The present petitioner had also contacted the complainant over phone and some amount of money was also paid to the present petitioner for his admission in the aforementioned medical college. However, informant learnt that a group of miscreants have cheated them by fake documents and the admission process was not valid and he was not given admission in the aforementioned medical college.

5. The learned Addl. P.P. has submitted that there incriminating materials in the case diary against the petitioner.

6. I have also considered the submissions on behalf of the petitioner that he is behind bar

since 31.03.2023. The petitioner has pledged to co-operate with the remaining part of the investigation. The case diary reveals that the investigation has progressed to a considerable extent.

7. Considering all aspects, petition is allowed.

8. The petitioner is to be enlarged on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of learned CJM, Kamrup (M),

under the conditions that:-

- (i) the petitioner will refrain from such activities with which he is alleged, failing which bail order of the petitioner will be cancelled.
- (ii) the petitioner will not leave jurisdiction of the Court without prior permission till completion of the investigation.

Send back the case diary.

JUDGE

Comparing Assistant