

GAHC010117972023



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

Case No. : Bail Appln./1915/2023

PARTHA PRATIM SAIKIA
S/O- SARAT CH. SAIKIA, A R/O- VILL- NIZ GERUA, P.S. BHURAGAON, DIST.-
MORIGAON, ASSAM

VERSUS

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

Advocate for the Petitioner : MR A R BHUYAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 12.06.2023

Heard Mr. A. R. Bhuyan, learned counsel appearing for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor appearing for the State of Assam.

2. The bail application has been preferred by the petitioner, namely, **Partha Pratim Saikia** is seeking bail in connection

with Bhelowguri P.S. Case No. 29/2023 registered under Sections 120B/420/409/468/34 of IPC.

3. It is submitted that a complaint was lodged by the complainant, one Amir Uddin against the BDO, the Gaon Panchayat Secretary, Computer Assistant, Gaon Panchayat Members making allegations that although Government dwelling houses were allotted in the names of the complainant and witnesses but the construction of the said houses has not been completed and when the complainant and other witnesses approached the authorities concerned, no concrete answer was given to them. That apart it is further alleged that all the accused persons had forged several job cards by using the names of other persons and withdrew money and thereby misappropriated government money. As a consequence of the illegal activities carried on by the accused persons, the complainant and the witnesses were deprived from getting the government houses allotted to them. It is submitted that although complaints have been made before the various authorities no fruitful answer was given to the petitioner.

4. The said complaint was received and registered as Bhelowguri P.S. Case No. 29/2023 registered under Sections 120B/420/409/468/34 of IPC.

5. It is stated that the petitioner is working as a Accountant in the Tulshibori Gaon Panchayat at the time of the complaint was lodged. It is submitted by the learned counsel for the petitioner that prior to his joining in the said Gaon Panchayat

his predecessor accountant had completed the entire transactions which relates to the allegations raised in the complaint/FIR filed by the informant. As such it is submitted that he has no role in respect of the alleged offences. It is further submitted that he has cooperated with the investigations carried on by the police. His statements have been recorded and no further custodial detention is necessary for the investigation of the case. That apart the learned counsel for the petitioner has referred to the order passed by this Court in Bail Application No. 1883/2023 and has submitted that a co-accused connected with the same Police Station Case being Bhelowguri P.S. Case No. 29/2023 registered under Sections 120B/420/409/468/34 of IPC has been granted by this Court vide order dated 09.06.2023. As such learned counsel for the petitioner submits that the petitioner be also granted bail on the ground of parity.

6. Learned counsel for the petitioner submits that he is made of a scapegoat of some political conspiracy because of which he has been taken into custody in connection with the aforesaid case. Learned counsel for the petitioner submits that all necessary documents have already been taken into custody by the Investigating Officer. His statements have been recorded and therefore no further detention is necessary and the petitioner be released on bail.

7. This Court by earlier order dated 31.05.2023 had called for the case dairy. And Mr. B. Sarma, learned Addl. P.P has

produced the case diary before this Court as called for.

8. Upon due perusal of the case dairy, it is seen that the matter is still under investigation and charge-sheet has not been filed. Perusal of the case diary does not reveal any incriminating materials against the petitioner at the stage of the investigation. His statements have been recorded. Necessary documents connected to the investigation of the case are stated to be available with the Investigating Officer.

9. Considering the extent of investigations being carried on and the period of detention undergone, this Court is of the view that although the charge-sheet has not been filed, further custodial detention of the petitioner is not required. No materials are also seen to suggest that release of the petitioner on bail at the stage will hamper the investigation.

10. Upon hearing the learned counsels for the parties and upon due perusal of the case dairy and also taking into account the period of detention undergone by the petitioner, this Court is of the view that the prayer for bail made by the petitioner can be allowed.

11. Accordingly, petitioner is directed to be released on bail forthwith subject to executing a bail bond of Rs.30,000/- (Rupees thirty thousand) only with one local surety of like amount to the satisfaction of the Chief Judicial Magistrate, Morigaon. The bail, granted however, subject to the following conditions:-

- i) The petitioner shall continue to appear

before the police and cooperate with the Investigating Officer as and when required, till completion of investigation.

ii) The petitioner shall not change her residence or place of business, without prior written permission from the Court of Chief Judicial Magistrate, Morigaon.

iii) That the petitioner shall not hamper or tamper with the investigation in any manner; and

iv) That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person/witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer in connection to this Police Station Case.

12. If any of the conditions are found to be violated by the petitioner then the Investigating Officer shall be at liberty to seek cancellation of the bail granted to the accused.

13. With the above direction, the bail petition is accordingly allowed and disposed of.

14. Return the Case Dairy.

JUDGE

Comparing Assistant