

GAHC010161072023



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

Case No. : Bail Appln./2591/2023

MONJIT KUMAR BORA
S/O SRI KESHAB BORA
R/O HOUSE NO. 1,
JONALI PATH, ZOO ROAD, P.O. ZOO ROAD, P.S. GEETANAGAR,
DIST. KAMRUP (M), ASSAM,
PIN-781024.

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR P TALUKDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

28.07.2023

Heard Mr. V. Jammur, learned counsel for the petitioner. Also heard Mr. K.K. Das, learned Additional Public Prosecutor appearing for the State of Assam.

This application under Section 439 of the Code of Criminal Procedure,

1973 has been filed by the petitioner, namely, Monjit Kumar Bora, who has been detained behind the bars since 05.07.2023, in connection with Geetanagar P.S. Case No. 88/2023 under section 120(B)/420/467/386/323 of the Indian Penal Code.

The accusation against the present petitioner is that one Anil Bharambe lodged an FIR before the Officer-in-Charge of Geetanagar Police Station, on 21.04.2022, *inter-alia* alleging that one Jayanta Das has issued supply order in the name of DRDA to the first informant and in that connection the first informant had transferred Rs. 5,00,000/- (Rupees Five Lakhs) to the current account of the present petitioner at the behest of the present petitioner.

Learned counsel for the petitioner submits that apart from the allegations that the informant has had transferred Rs. 5,00,000/- (Rupees Five Lakhs) to the present petitioner for getting financial consultancy services, no other allegations made against the present petitioner.

It is also submitted that in this regard on earlier occasion also an FIR was lodged by the Project Director, DRDA, Karbi Anglong, Diphu *inter-alia* alleging that, some miscreants have issued a supply orders to M/S Vidhiinfra Solutions Private Limited, in the name of the Project Director, DRDA Karbi Anglong and in the said case also, the present petitioner was implicated falsely.

Learned counsel for the petitioner submits that in the earlier case, the present petitioner was granted bail by a co-ordinate bench of this Court by order dated 30.08.2022 in Bail Application No. 2078/2022.

It is submitted that the petitioner has been wrongly arrested in the instant case.

On the other hand, Mr. K.K. Das, learned Additional Public Prosecutor submits that as the petitioner was granted bail in relation to the same allegation

in respect of an another FIR which was lodged in this regard, and in this case the only allegation against the petitioner is that the informant had transferred an amount of Rs. 5,00,000/- (Rupees Five Lakhs), at the behest of the main accused named in the FIR. Hence, his custodial detention may not be necessary.

Considering the submissions made by learned counsel for both sides as well as considering the materials on record, including the order dated 30.08.2022 passed in Bail Application No. 2078/2022, this Court is of the considered opinion that further custodial detention of the present petitioner in Geetanagar P.S. Case No. 88/2023 is not required for fair completion of the investigation of the said case.

Hence, the present petitioner, namely, Monjit Kumar Bora is allowed to go on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), subject to the conditions that (i) the petitioner shall co-operate with the investigation and shall make himself available before the Investigating Officer as and when so required by the Investigating Officer for the sake of investigation and (ii) 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.

With the above observation, this bail application is hereby disposed of.

JUDGE

Comparing Assistant