

GAHC010163082023



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

Case No. : Bail Appln./2570/2023

JAYANTA DAS
S/O SRI KHAGEN CH. DAS
R/O CENTRAL COLONY, NEW BONGAIGAON, QUARTER NO. 145 NA, P.S.
NEW BONGAIGAON, DIST. BONGAIGAON AND PRESENTLY RESIDING AT
C/O PRIYANKA PHATOWALI DAS, HOUSE NO. 16, 1ST BYLANE,
GOVINDAGIRI PATH NARIKALBASTI, P.S. GEETANAGAR, GUWAHATI-
781024, DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N MAHAJAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 10.08.2023

Heard Mr. B. K. Mahajan, learned counsel for the petitioner.

Also heard Mr. K. K. Das, learned Additional Public Prosecutor for the State.

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

1973, has been filed by the petitioner Shri Jayanta Das who is detained behind the bar since 28.06.2023 in connection with Geetanagar P. S. Case No. 88/2023 under section 120(B)/420/467/386/323 of the IPC.

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 the present petitioner issued supply orders in the name of DRDA to the first informant, which later on were found to be fake and in that connection the first informant had transferred an amount of Rs. 46,00,000/- (Rupees Forty Six Lakhs Only) to the current account of the present petitioner.

It is also submitted that similarly in the current account of the co-accused Monjit Kumar Bora, Rs. 5,00,000/- (Rupees Five Lakhs Only) were paid to the first informant.

Learned counsel for the petitioner submit that as per the forwarding report of the Investigating Officer of this case dated 06.07.2023 before learned Chief Judicial Magistrate, Kamrup (M). The fake and forged purchase order were only collected by the present petitioner along with the co-accused Monjit Kumar Bora. It is submitted by the learned counsel for the petitioner that the present petitioner were not a maker of the forged documents therefore, Section 467 of Indian Penal Code does not apply to the present petitioner.

It is also submitted by the learned counsel for the petitioner that in the mean while the co-accused has already been granted bail by this Court vide order dated 28.07.2023 in Bail Application No. 2591/2023.

It is further submitted by the learned counsel for the petitioner in connection with the similarly allegation against the present petitioner, he has

been granted bail by a Co-ordinate Bench of this Court on 03.08.2023 in Bail Application No. 2711/2023.

Further, it is submitted that considering the long period of detention (44 days) already undergone by the petitioner, he may be allowed to go on bail.

On the other hand, learned Additional Public Prosecutor submits that though, there are incriminating materials against the present petitioner in the case diary. However, the investigation has progressed substantially and though co-accused has been granted bail he was not placed similarly to that of the present accused person.

I have considered the submissions by learned counsel for both sides and perused the case diary and the other materials placed on record. Considering the fact that the petitioner has been detained behind the bar for last 44 days as well as considering the progress in the investigation along with the fact that the co-accused has already been granted the bail, this Court is of 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, if he co-operates with the Investigating Officer.

Hence, the present petitioner, namely, Shri Jayanta Das is allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand Only) with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), subject to the conditions that:

- (i) That the petitioner shall co-operate with the Investigating Officer in fair completion of the investigation of Geetanagar P.S. Case No. 88/2023
- (ii) That 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/her from disclosing such facts to the Investigating Officer or to any Court.

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

JUDGE

Comparing Assistant