

GAHC010166472023



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

Case No. : Bail Appln./2683/2023

ANUP CHETRY
SO SRI DEVA KUMAR CHETRY
R/O VILL- NO. 2 PITHAGURI
P.O. PITHAGURI, P.S. BIHPURIA
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R SARMA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

10.08.2023

Heard Mr. P.P. Baruah, learned counsel for the accused-petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by

the accused-petitioner, namely, **Anup Chetry**, in connection with **Bihpuria P.S. Case No. 110/2023**, registered under Sections **166(A)/420/406/409/468/34** of IPC.

It has been submitted by the learned counsel for the petitioner that the accused was arrested on 19.06.2023 and since then he has been languishing in jail hazot. At the relevant time of incident, he was the Co-ordinator of Dikrong Gaon Panchayat, Lakhimpur district. He is no way connected with the instant case. Considering the period of detention of the petitioner, he may be allowed to go on bail.

On the other hand, learned Additional Public Prosecutor submits that after lodging of the FIR enquiry was conducted and on being found that there has been misappropriation of Government funds in construction of PMGY houses under the said Dikrong Gaon Panchayat the accused was arrested along with some other persons.

I have considered the submissions of the learned counsel for the parties. I have also perused the Case Diary.

Considering the materials available in the Case Diary and the period of detention of the petitioner in custody, the prayer of the petitioner is allowed.

In view of the above, the accused-petitioner, named above, shall be released on bail in connection with **Bihpuria P.S. Case No. 110/2023**, registered under Sections **166(A)/420/406/409/468/34** IPC on furnishing bail bond of **Rs.50,000/-** with two suitable sureties of the like amount, to the satisfaction of learned CJM, Lakhimpur.

The direction for bail is further subject to the conditions that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of learned CJM, Lakhimpur without

prior written permission from him;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) 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 the Court or to any police officer.

(d) shall appear before the Investigating Police Officer once in a week for six weeks after his release on bail as and when called upon by the Investigating Police Officer till the investigation of the case is completed.

In case of violation of any of the above conditions by the petitioner, the learned Public Prosecutor is at liberty to move before this Court for cancellation of bail.

In terms of the above, this bail application stands disposed of.

Send back the LCR.

The Bail Application stands disposed of.

JUDGE

Comparing Assistant