

GAHC010191742023



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

Case No. : Bail Appln./3018/2023

MONTOSH PAUL
S/O LT. BHUPESH CH. PAUL VILL. BABU PATTY P.S LUMDING DIST. HOJAI
ASSAM PIN 782447

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MS. T SOM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

19.09.2023

Heard Ms. T. Som, learned counsel for the accused and Mr. K.K. Parasar, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused, namely, **Montosh Paul**, who has been languishing in jail hazot since 16.08.2023, in connection with the **Lumding P.S. Case No. 164/2023**, under Sections 120(B)/389/420/468/506

of the IPC, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by Sankalp Karwa, on 15.08.2023. The essence of allegations made in the FIR is that the applicant and his father for last 1 year have collected E-Mail ID of some of his customers and thereafter, lodged online complaint against him, which affected his business and on 09.08.2023, police conducted search in the house of the applicant and recovered several documents, data depicting the credentials of TVS along with documents of his customers in his house and these documents were forged documents, created by the applicant and his father and thereby caused harm to his business.

4. Ms. Som, learned counsel for the accused submits that the accused was earlier arrested in Lumding PS Case No. 160/2023, under Sections 469/468/465 of the IPC read with Sections 71/66[c]/66[d] of the IT Act and in the said case the accused has already been granted bail by this Court, vide order dated 12.09.2023. Ms. Som further submits that the accused has been shown arrested in the present case on 16.08.2023, and since then he has been languishing in jail hazoot for more than one month and that he is an old person and he will cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Parasar, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the I.O. has collected sufficient materials against the accused. However, Mr. Parasar submits that the IO has also examined 7 witnesses and seized the relevant documents and some of the customers have withdrawn their complaint from the District Transport Officer, Hojai.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

7. It appears that the accused has been shown arrested in this case on 16.08.2023, and since then, he has been languishing in jail hazoot for more than one month. Further, it appears from the case diary that though the I.O. has collected some materials against the accused, yet, it appears that the material part of the investigation is almost over.

8. Under the aforesaid facts and circumstances, this Court is of the view that further custodial detention of the accused seems to unwarranted herein this case. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the learned **Chief Judicial Magistrate, Hojai**, the accused be enlarged on bail.

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

9. The case diary be returned.

JUDGE

Comparing Assistant