

GAHC010208232023



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

Case No. : Bail Appln./3298/2023

BEDANTA GOGOI
S/O LT. MAHENDRA NATH GOGOI
R/O CLUB ROAD, JANA PATH NEAR SAIKIA GAS AGENCY, P.S. JORHAT
SADAR PS, DIST. JORHAT, ASSAM
PIN-785001

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR P KATAKI
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 27-09-2023

Heard Mr. P. Kataki, learned counsel for the accused and also heard Mr. K.K.Parasar, learned Addl. P.P. for the State respondent.

This application under Section 439 Cr.P.C. is preferred by the accused, Sri Bedanta Gogoi who has been languishing in jail hajot since 7.9.2023, in connection with Fatasil Ambari P.S Case No. 01/2022, u/s 120B/419/420/406 IPC for grant of bail.

The above noted case has been registered on the basis of an FIR lodged by one Krishnanjan Chanda on 4.1.2022.

The essence of allegation made in the FIR is that identifying himself as owner of Blue Sky Travel, a Travel Agency, he alongwith Rita Talukdar and Urmilla Handique duped a sum of Rs.2,47,350/- to provide the informant Air ticket of Emirates and accused No. 2 Rita Talukdar received the same in her bank account on 3.4.2021, and thereafter, they failed to provide air ticket and cheated him.

Mr. Kataki, learned counsel submits that the accused was arrested on 7.9.2023, and since then, he

is languishing in jail hazot for 19 days and that he has not received the money, in fact, it was received by accused No.2 Smti.Rita Talukdar and he is innocent and ready to cooperate with the investigating agency and therefore, considering the period of detention, it is contended to allow the petition.

On the other hand, Mr.Parasar, learned Addl. P.P. has produced the case diary before this Court and submits that the I.O. has collected sufficient materials against the accused to show his complicity with the offence alleged in the FIR and that the I.O. has examined some witnesses also and seized some documents.

Having heard the submission of learned Advocates for both the parties and I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. K.K.Parasar, learned Addl. P.P.

It appears that the I.O. has achieved significant progress in the investigation of the case. He has examined some witnesses and also collected relevant documents and seized the same. It also appears that the accused was arrested on 7.9.2023, and since then he is behind the bar for last 19 days.

Therefore, considering the period of detention and balancing the same with the nature and gravity of the offence, his further custodial detention seems to be not warranted here in this case, and therefore, it is provided that on furnishing a bond of Rs.50,000/- with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M) the accused be enlarged on bail.

In terms of above, this bail petition stands disposed of.

Case diary be returned.

JUDGE

Comparing Assistant