

GAHC010224822023



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

Case No. : Bail Appln./3620/2023

NRIPEN HAZARIKA @ NIRPEN HAZARIA
S/OLATE NANDESWAR HAZARILA
R/O VILL- GHILANI
P.O. GHILANI
P.S. KAMPUR
DIST. NAGAON (M), ASSAM
PIN-782426

VERSUS

THE STATE OF ASSAM
REP. BY THE PP , ASSAM

Advocate for the Petitioner : MR. N M SARKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

18.10.2023

Heard Mr. N.M. Sarkar, learned counsel for the accused and also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam, appearing for the State

respondent.

2. This application, under section 439 Cr.P.C. is preferred by accused, namely, Nripen Hazarika @ Nirpen Hazaria, who has been languishing in jail hazot since 03.09.2023, in connection with Kampur P.S. Case No.127/2023, under Section 120(B)/420/468/471 IPC, for grant of bail.

3. It is to be noted here that the above noted case has been registered on the basis of an FIR lodged by one Diganta Kumar Goswami on 21.07.2023. The essence of allegation made in the aforesaid FIR is that his father late Prabhat Ch. Goswami suffered demise on 24.02.2019 leaving him and other legal heirs, but unfortunately five Sale Deeds were registered in the Sub-Registrar Office of Kampur after the death of his father by practicing fraud in the name of his father with the help of scribe, witnesses, identifiers of the Sale Deeds, in respect of the land belonging to his father and the purchasers were – Krishna Laskar, Krishna Kanta Bora and Padma Kanta Saikia.

4. Mr. Sarkar, learned counsel for the accused, submits that the accused had purchased a plot of land from the father of the informant through one middleman and that he has been languishing in jail hazot for last 45 days and that he is innocent and no way involved with the offence alleged in the FIR, and therefore, it is contended to allow the petition.

5. On the other hand, Mr. P. Borthakur, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the present accused is one of the purchaser of the plot of land and that the I.O. has collected some materials in support of the allegation made in the FIR and therefore, Mr. Borthakur has opposed the petition.

6. Having heard the submission of learned Advocates for both the sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Borthakur, learned Additional P.P.

7. It appears that the accused is a purchaser of the land and he had done the same through one Krishna Laskar. Considering the materials collected so far in the case diary

against the present accused and also considering his period of detention (45 days), this Court is of the view that further custodial detention of the accused seems to be not warranted in the interest of investigation. And therefore, this Court is inclined to allow this petition. Accordingly, it is provided that on furnishing a bond of ₹ 50,000/- (Rupees Fifty Thousand) with one surety of like amount, to the satisfaction of the learned Chief Judicial Magistrate, Nagaon, the accused be enlarged on bail.

8. In terms of above, this petition stands disposed of. The case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant