

GAHC010225282023



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

Case No. : Bail Appln./3571/2023

TRISHNA SHARMA @ TRISHNA SARMA
W/O- MANJIT SARMA, R/O- SHIALAZA ENCLAVE FLAT NO. GC,
BAMUNIMAIDAM NEAR HANUMAN MANDIR, P.S. NOONMATI,
GUWAHATI, DIST. KAMRUP(M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P., ASSAM

Advocate for the Petitioner : MR M GARODIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

18.10.2023

Heard Mr. M. Garodia, 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, Trishna Sharma @ Trishna Sarma, who has been languishing in jail hazot since 27.08.2023, in connection with Chandmari P.S. Case No.325/2023, under Section 120(B)/406/420 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 Hareswar Kalita of Batahghuli on 18.08.2023 to the effect that through one of his relative, Smt. Santana Deka, he paid a sum of ₹ 4,00,000/- to one Anurag Chaliha, a powerful member of BJP, for a post of Grade-III/Grade-IV post in Health Department for his wife Smt. Nisha Barman. But, neither his wife was selected nor the sum he paid was returned and later on, he came to know that Anurag Chaliha and his colleague have collected huge amount of money for different types of job in Assam Government and opened a big market.

4. Mr. Garodia, learned counsel for the accused, submits that the accused is a lady and she was arrested on 27.08.2023, and since then, she has been languishing in jail hazot for last 53 days. Further, Mr. Garodia submits that the mandatory period of detention for the offences, under which this case has been registered, is 60 days and this petition is being preferred only on the ground of length of detention and not on the merit of the case and one of the co-accused was already enlarged on bail by this Court in Bail Appln. No.3746/2023, considering the length of detention and therefore, it is contended to allow this petition.

5. On the other hand, Mr. P. Borthakur, learned Additional Public Prosecutor has produced the case diary before this Court and submits that sufficient materials are there against the accused. However, Mr. Borthakur submits that, if this Court considers the length of detention, then he has nothing to submit.

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. The accused here in this case is a lady. She is behind the bar for last 53 days. Considering the stage of investigation and also considering the materials collected so far in the case diary against the present accused and also considering the length of detention (53 days), and also considering the submission of learned Advocates of both sides, 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, Kamrup(M), 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