

GAHC010226532023



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

Case No. : Bail Appln./3588/2023

NRIPEN CHANDRA SARMA
W/O LATE UPEN CHANDRA SARMA
VILL- PACHIM BORAGAON, BAMUN PARA
P.S. GARCHUK
DIST. KAMRUP (METRO), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR F HAQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN
ORDER

13.10.2023

Heard Mr F Haque, learned counsel for the accused/applicant. Also heard Mr P Borthakur, 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/applicant, namely, **Sri Nripen Chandra Sarma**, who has been languishing in jail hazot in connection with **Garchuk PS Case No. 251 of 2023**, under **Sections 120(B)/420/406/468 IPC**, for grant of bail.

3. The above noted case has been registered on the basis of one FIR lodged by one Sanatan Laskar on 23.07.2023. The essence of allegation made in the FIR is that one Nripen Chandra Sarma, along with one Monoj Talukdar hatched a criminal conspiracy and prepared one forged power of attorney to sell a plot of land measuring 1 katha, covering Dag No. 50, Patta No. 56 of Revenue Village No. 2 of Paschim Boragaon, and, thereafter, defrauded the informant to the tune of Rs. 28,00,000/-.

4. Mr Haque, learned counsel for the accused/applicant, submits that the accused/applicant was arrested on 11.09.2023 and since then he has been languishing in jail hazot for the last 33 days and that the matter relates to document and that the accused/applicant is an innocent and he is ready to cooperate with the investigating agency and, therefore, Mr Haque contended to allow this petition.

5. On the other hand, Mr P Borthakur, learned Additional Public Prosecutor has vehemently opposed the petition and contended that the IO has collected sufficient incriminating materials in support of the allegations made in the FIR. Referring to two receipts available in the Case Diary, Mr Borthakur submits that there is material to show that the accused/applicant has received a sum of Rs. 25 lacs and thereafter, a sum of Rs. 3 lacs from the informant.

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 Mr Borthakur, learned Additional Public Prosecutor.

7. It appears that the investigation is going on and the IO has collected sufficient incriminating materials in support of the allegations made in the FIR. The allegations are serious in nature and releasing the accused/applicant on bail at this stage will hamper the investigation.

8. Having considered the above, this Court is of the view that this is not a fit case where the privilege of bail can be granted to the accused/applicant and accordingly, the

petition is dismissed.

9. The case diary be returned.

JUDGE

Comparing Assistant