

GAHC010228922023



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

Case No. : Bail Appln./3609/2023

KARTIK CHANDRA RAY
S/O LATE ROBI CHAND RAY
R/O VILL- DAKSHIN TOKRACHORA
P.S. GOLAKGANJ,
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A TALUKDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

08.11.2023

Heard Mr. M. Biswas, learned counsel for the accused-petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor for the State.

This is an application made under **Section 439** Cr.P.C., seeking bail by the

accused-petitioner, namely, **Kartik Chandra Ray**, in connection with **Abhayapuri P.S. Case No. 377/2023**, registered under Sections **420/468/471/120B** of IPC read with Section 66C/66D of Information Technology Act.

It has been submitted by the learned counsel for the petitioner that the petitioner has been detained in jail hazot since 22.09.2023. The other co-accused have been granted bail by a coordinate bench of this Court. It is also submitted by the learned counsel that petitioner is no way connected with the alleged offence, he is only the Executive Member of Kamatapur Autonomous Council, North Salmara, Bongaigaon. It is alleged in the FIR that some miscreants have forged signature of the informant and issued a supply order in the name of Kamatapur Autonomous Council and the petitioner is not connected with that fake order. Considering the period of detention of the petitioner, bail may be granted to the petitioner.

On the other hand, learned Additional Public Prosecutor submits that though Case Diary is received but without the FSL report.

I have considered the submissions of learned counsel for the parties. Perused the Case Diary.

It appears that the accused petitioner has been detained in custody for last 47 days. It also appears that substantial part of investigation has been completed. Under such backdrop, further custodial detention of the petitioner is not required for the purpose of investigation of the case.

In view of the above, the accused-petitioner, named above, shall be released on bail in connection with **Abhayapuri P.S. Case No. 377/2023**, registered under Sections **420/468/471/120B** of IPC read with Section 66C/66D of Information Technology Act, on furnishing bail bond of **Rs.50,000/-** with two

suitable sureties of the like amount, to the satisfaction of SDJM, Abhayapuri, North Salmara, Bongaigaon.

The direction for bail is further subject to the conditions that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of learned **SDJM, Abhayapuri, North Salmara, Bongaigaon** without prior written permission from him;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(d) shall appear before the Investigating Police Officer once in a week for six weeks after his release on bail as and when called upon by the Investigating Police Officer till the investigation of the case is completed.

In case of violation of any of the above conditions by the petitioner, the learned Public Prosecutor is at liberty to move before this Court for cancellation of bail.

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

JUDGE

Comparing Assistant