

GAHC010235692023



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

Case No. : Bail Appln./3755/2023

SOFIUR RAHMAN
S/O LT. NASHER ALI
R/O VILL- BORTALOWA
P.O. DHALIGAON
P.S. KAJALGAON
DIST. CHIRANG, BTR, ASSAM
PIN-783385

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR G CHAMUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 10.11.2023

Heard Mr. G. Chamuah, learned counsel for the accused-petitioner as well as Ms. S.H. Bora, learned Additional Public Prosecutor for the state

respondent.

2. This is an application filed under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioner, namely, **Sofiur Rahman**, in connection with **Abhayapuri P.S. Case No. 343/2023(corresponding to NGR No. 613/2023)**, registered under Sections **406/468/471 IPC**, pending before the court of learned SDJM(M), North Salmara, Abhayapuri.

3. The brief facts of the case is that the petitioner is a sub-contractor of ISGEC heavy Engineering Ltd. The said company issued a work order in favour of the petitioner on 05.03.2021. As per said work order, the petitioner was directed to pay the royalty for the construction materials to the Forest Department and submit the original receipts of the same. On 26.07.2023, a letter from APL(Assam Petro-chemicals Ltd.) informing that FRCC(Forest Royalty Clearance Certificate) submitted by ISGEC for consumption of construction material has been found duplicate. During investigation, it reveals that the petitioner has submitted forged FRCC receipts.

4. It has been submitted by the learned counsel for the petitioner that the petitioner has already deposited the royalty to Divisional Forest Officer, Chirang Division, Kajalgaon. It is further submitted that the petitioner has been languishing in jail hazot since 07.10.2023. Considering the period of detention as well as the background of the case, the petitioner may be enlarged on bail.

5. On the other hand, Ms. Bora, learned Additional Public Prosecutor for the State has vehemently objected to the prayer of the accused/petitioner by stating that the petitioner is very much involved in

the alleged offence and there is sufficient incriminating materials found against the petitioner. Considering the nature of offence, the prayer of the petitioner may not be considered at this stage.

6. I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

7. It appears that the petitioner has been involved in the alleged offence as stated in the FIR. It is reported by the I/O that the royalty has been deposited by APL directly to the Forest Department as per order of this Court. It is also reported that no any record found in the name of the petitioner who has deposited any royalty in the office of Divisional Forest Officer, Chirang, Kajalgaon.

8. On consideration of the matter in its entirety, this Court is of the view that this is not a fit case for grant of bail to the accused/petitioner, at this stage. Therefore, prayer for bail is **rejected**.

9. The bail application stands disposed of accordingly.

10. Return the case diary.

JUDGE

Comparing Assistant