

GAHC010244702023



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

Case No. : Bail Appln./3916/2023

MUNINDRA HAZARIKA @ MUNIN HAZARIKA
S/O LATE GANGADHAR HAZARIKA
R/O VILL- GOHAIN PATHAR
P.O. AND P.S. BIHPURIA
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R PHUKAN
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 07-11-2023

Heard Mr. R. Phukan, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Addl.P.P. for the State respondent.

This application, under Section 439 Cr.P.C. is preferred by the accused, Munindra Hazarika @ Munin Hazarika, who has been languishing in jail since 13.10.2023, in connection with Bihpuria P. S. Case No. 181/2023, under Sections 420 /406 /468/ 34 IPC, corresponding to G.R.Case No. 963/2023, for

grant of bail.

The above noted case has been registered on the basis of an FIR lodged by one Minakhi Hazarika.

The essence of allegation, made in the FIR dated 10.10.2023, is that her own brother, Shri Munindra Hazarika and one Sri Debananda Saikia have received a sum of Rs.7,50,000/- from her for providing her a job of School Teacher, in a Government school and after some days of receiving the amount, they have handed over her one appointment letter and when she reported the Head Master of the said school for joining, she came to know that the appointment letter, so handed over to her, is a fake document prepared with forged seal and signature of the officials and thereafter, on being asked, the accused persons have failed to return the amount.

Mr. Phukan, learned counsel for the applicant submits that the accused was arrested on 12.10.2023 and forwarded to jail hazot on 13.10.2023 and since then, he has been languishing in jail hajot for last 25 days. Mr. Phukan further submits that the accused is the own brother of the informant and he is no way involved with the offence alleged in the FIR and he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition. On the other hand, Mr. Sarma, learned Addl. P. P. vehemently opposed the petition and submits that the I.O. has collected some materials in support of the allegation made in the FIR and investigation is going on and some of the co accused are yet to be arrested and therefore, Mr. Sarma, contended to dismiss the petition.

Having heard the submission of learned Advocates for both the parties and I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Sarma, learned Addl.

P.P for the State respondent.

In view of the materials collected so far in the case diary, as well as considering the period of detention of the accused and the role played by him, this Court is of the view that his further custodial detention is not warranted in the interest of investigation. And accordingly, this Court is inclined to allow this petition. It is provided that on furnishing a bond of Rs.50,000/- with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, North Lakhimpur the accused be enlarged on bail.

In terms of above, this bail petition stands disposed of.

Case diary be returned.

JUDGE

Comparing Assistant