

GAHC010250492023



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

Case No. : Bail Appln./4054/2023

JITUMONI DUTTA
S/O LATE RAMESH DUTTA
R/O MALOWALI, JORHAT
DIST. JORHAT, ASSAM
VERSUS
THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR A K BORAH
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 15.11. 2023

Heard Mr. SH Bora, learned counsel for the petitioner and Mr. P.J. Barman, learned Assistant and Special Public Prosecutor for the State respondent.

This is an application under Section 439 Cr.P.C., filed by the petitioner, namely Sri Jitumoni Dutta, seeking bail, who was arrested on 01.09.2023 in connection with CM's Special Vigilance Cell P.S. Case No. 04/2017 under Sections 120B/ 468/ 471/ 409/ 420 IPC read with Sections 13(2) of the P.C. Act.

It is submitted by the learned counsel for the petitioner that the petitioner is a Government employee and was working as Planning Officer at Majuli District of Assam at the relevant time. It is also submitted that the petitioner has prepared two cheques in favour of M/s. Baruah and Sons, Jorhat as per the direction of the then ADC, Jorhat and the petitioner was working under the control of Sri Pronab Gogoi, who was the senior Planning Officer of Jorhat District. The petitioner is no way connected with the alleged offence and he has not

signed the alleged cheques. It is also submitted that the petitioner has been detained in custody for last 76 days. Under such backdrop, the petitioner may be enlarged on bail.

The learned Special PP has raised objection in granting bail to the petitioner by stating that there are sufficient incriminating materials available in the case diary and bail may not be granted at this stage as the investigation is still going on.

Perused the case diary and the materials available on record.

The allegation against the petitioner is that though no work order was issued, the petitioner had prepared some cheques at the direction of the then ADC, Jorhat and he was under the control of senior Planning Officer, Sri Pranab Gogoi but he did not inform the matter to the senior Planning Officer regarding preparation of Cheques in favour of M/s. Baruah and Sons, Jorhat.

It appears that the petitioner is not the signatory of the alleged cheques.

As the petitioner has been in jail hajat for last 76 days and substantial part of the investigation has been completed, it transpires that further custodial interrogation of the petitioner is not required. Therefore, this Court is of the opinion that the release of the petitioner on bail may not adversely affect the investigation. Accordingly, the prayer for bail is allowed.

It is directed that the accused/ petitioner above named be released on bail in connection with CM's Special Vigilance Cell P.S. Case No. 04/2017 under Sections 120B/ 468/ 471/ 409/420 IPC read with Sections 13(2) of the P.C. Act on furnishing a bond of Rs. 50,000/- (Rupees fifty thousand) with 2 (two) suitable sureties of like amount to the satisfaction of the learned Special Judge, Assam, Guwahati.

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

- (a) shall not leave the territorial jurisdiction of the learned Special Judge, Assam, Guwahati without prior written permission from him/ her;
- (b) shall not hamper with the investigation and tamper with the evidence of the case; and
- (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/ her from disclosing such facts to the Court or to any police officer.

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

Return the case diary.

JUDGE

Comparing Assistant