

GAHC010257502023



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

Case No. : Bail Appln./4169/2023

DEBANANDA SAIKIA
S/O LATE DANDIRAM SAIKIA
R/O VILL- URIAMPARA
P.O.LIKHOK CHAPORI, 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
HON'BLE MR. JUSTICE ROBIN PHUKAN

O R D E R

11.12.2023

Heard Mr. R. Phukan, learned counsel for the accused and Mr. K.K. Das, 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 namely, **Debananda Saikia**, who has been languishing in jail hazot in connection with the **Bihpuria P.S. Case No.181/2023**, under Sections 420/406/468/34 of the IPC, for granting bail.

3. The above noted case has been registered on the basis of an FIR lodged by one Minakhi Hazarika, on 10.10.2023. The essence of allegations made in the FIR is that her own brother, Sri 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.

4. Mr. Phukan, learned counsel for the accused submits that this is the second bail application filed by the accused and the earlier bail application, being BA No.3925/2023, was dismissed by this Court, vide order dated 07.11.2023. Mr. Phukan further submits that the accused was arrested on 13.10.2023, and since then he has been languishing in jail hazot for last 59 days and that the charge sheet has not yet been submitted and as the statutory period of detention for the offence under Sections 420/406/468/34 of the IPC is 60 days, Mr. Phukan contended to enlarge the accused on bail.

5. On the other hand, Mr. Das, learned Additional Public Prosecutor also submits that the case is pending for collection of FSL report and that the accused has been languishing in jail hazot for last 59 days. Mr. Das further submits that the statutory period of detention for the offence under Sections 420/406/468/34 of the IPC is 60 days and as the FSL report has not yet been received, there is no possibility of filing charge sheet by tomorrow.

6. Having heard the submission of learned Advocates for both sides, I have

carefully gone through the petition and the materials placed on record.

7. It appears 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 the jail hajot for last 59 days and the statutory period of detention for the offence under Sections 420/406/468/34 of the IPC is 60 days and as the FSL report has not yet been received, there is no possibility of filing charge sheet by tomorrow.

8. In view of above and balancing the period of detention with the nature of accusation and the punishment prescribed for the offence, this Court is of considered opinion that further custodial detention of the accused seems to be not required in the interest of investigation.

9. Accordingly, it is provided that on furnishing a bond of Rs.50,000/- only, with one surety of like amount to the satisfaction of the learned **Chief Judicial Magistrate, North Lakhimpur, Lakhimpur**, the accused be enlarged on bail.

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

JUDGE

Comparing Assistant