

GAHC010259382023



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

Case No. : Bail Appln./4194/2023

HRIDAYANANDA DAS
S/O PANORAM DAS
R/O HOUSE NO. 90,
BIJOY NAGAR
NOONMATI, P.S. NOONMATI,
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, GOVT. OF ASSAM

Advocate for the Petitioner : MR A DEKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 29.11.2023

Heard Mr. Abhishek Deka, learned counsel for the petitioner and Mr. BB Gogoi, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 439 Cr.P.C., filed by the petitioner,

namely Hridayananda Das, seeking bail who was arrested on 10.10.2023 in connection with Fatsil Ambari P.S. Case No. 241/2023 under Sections 419/ 420/ 468/ 406/471 IPC read with Section 66 of the IT Act.

The learned counsel for the petitioner has submitted that the allegation against the petitioner is that the petitioner took a sum of Rs. 1,50,000/- from the informant for providing a job. It is also submitted the petitioner has been in judicial custody for last 51 days. Under the above facts and circumstances, bail may be granted to the petitioner.

The learned Addl. PP has opposed in granting bail to the petitioner by stating that the petitioner has admitted in his statement recorded under Section 161 Cr.PC before the I.O. that he has taken a sum of Rs. 1,50,000/- from the informant with the pretext to provide job.

Case diary is received and perused.

I have considered the submissions of the learned counsel for the parties.

It appears from the case diary that there are documents available on record in support of payment of Rs. 1,50,000/- by the informant to the petitioner through Google pay in his account. However, learned counsel for the petitioner submits that now the petitioner is ready to repay the amount to the informant.

As the accused petitioner has been in custody since last 51 days, it transpires that the investigation of the case has almost completed. Under such backdrop, further custodial interrogation of the petitioner is not required.

In view of the above, prayer for bail of the petitioner is allowed.

Accordingly, it is directed that the accused/ petitioner above named be

released on bail in connection with Fatsil Ambari P.S. Case No. 241/2023 under Sections 419/ 420/ 468/ 406/471 IPC read with Section 66 of the IT 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 Chief Judicial Magistrate, Kamrup (M), Guwahati.

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

- (a) shall not leave the territorial jurisdiction of the learned Chief Judicial Magistrate, Kamrup (M), 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