

GAHC010265962022



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

Case No. : Bail Appln./3637/2022

TARUN BASUMATARY
S/O- LATE SARU SINGH BASUMATARY, R/O- VILL- KUSHTALI, GORAPAR,
P.O- KATHANI,
P.S- BHORAGAON, DIST- MORIGAON, ASSAM

2: NITUL DAS
S/O- LATE BIREN DAS

R/O- VILL CHARANGKUCHI

P.S- JAGIROAD
DIST- MORIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM

Advocate for the Petitioner : MS. P BORAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 23-01-2023

Heard Ms. P. Bora, learned counsel for the petitioner.

Also heard Mr. K.K. Das, learned Additional Public Prosecutor for the State of Assam.

By this application under section 439 Cr.P.C., the petitioners namely, Sri Tarun Basumatary and Nitul Das, are praying for bail, in connection with Khetri P.S. Case No. 182/2022, under sections 468/471/406/420 of I.P.C. as the petitioner is languishing in jail since 11.12.2022.

It is submitted by the learned counsel for the petitioners that the accused petitioner is innocent and no way connected with the alleged offence. From the F.I.R. it reveals that the dispute in regards to the alleged plot of land where the present accused petitioners has no role to play and for some malafide intention both of them arrested in connection with the aforementioned case and they are behind the bar since then. Thus, I.O has got sufficient time for their custodial interrogation and hence, further custodial interrogation is not at all necessary in this case. It is further submitted that if the accused petitioners are release on bail they will co-operate with the further investigation of the case.

In this context learned APP has raised serious objection and has submitted that there are sufficient incriminating materials against the accused petitioners in the case diary. It is found that they impersonate the name of the victim and grabbed the land. Apart from that I.O has also file a bail objection and stated that present land in question is not only land where the forgery has been committed by the accused person but there were other lands also where the accused persons mislead the victims and grabbed the lands by forgery and obtained the benefits. They not only forged the documents but also forged the voter I-card and Adhar card of the victims for which further investigation is required and to book the other culprits associated with the offence further

custodial interrogation of the present accused petitioner is required.

After considering the submission of learned counsels for both sides, I have also perused the case diary and it reveals that I.O has collected sufficient incriminating materials against the present accused petitioners. Further, considering the bail objection filed by the I.O., I find that further custodial interrogation of the accused petitioner may required to book the other associates of the case and for the interest of the just and proper investigation. Hence, I do not find it proper to allow the bail prayer of the present accused petitioners, accordingly the same is rejected.

With the above observations, the bail application stands disposed of.

JUDGE

Nabanita.

JUDGE

Comparing Assistant