

GAHC010000252024



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

Case No. : Bail Appln./46/2024

BHARAT DEKA
SON OF SUKUNA DEKA, RESIDENT OF POSORIA, DODORA, POLICE
STATION- HAZO, DISTRICT- KAMRUP M, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR

Advocate for the Petitioner : MR. K NATH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 12-01-2024

1. Heard Mr. U.K. Barman, learned counsel for the petitioner *Bharat Deka*.
2. The petitioner has filed this application under Section 439 of the Code of Criminal Procedure, 1973 with prayer for bail as he is behind bars since 02.12.2023 in connection with Cyber Police Station Case No. 12/2023 under

Sections 120B/419/420 of the Indian Penal Code read with Section 66C/66D of the Information and Technology Act.

3. Heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the respondent State of Assam.

4. The FIR unfolds that on 01.11.2023 the Circle Officer, Shri Papu Gogoi learnt about unauthorized access of CO login of Dispur Revenue Circle and the detailed report of the matter was submitted to the District Commissioner, Kamrup(M). It was uncovered that a mutation order was passed online in Dhartree portal on 05.10.2023 in Case No. MET/DIS/202-23/96042/OMUT against a deed bearing serial No. 6268 dated 31.12.1995, wherein no offline case record of any notice issued or order etc. were available in the office. Upon enquiry, the Lat Mandal reported that neither field verification nor any report was submitted in respect of the referred mutation case. The DIO, NIC, Kamrup(M) was asked to unearth the history details from 01.10.2023 to 26.10.2023 and it was found that:

- 1. That an IP address 10.177.88.65 had record of login/logout history of 52 times from 04.10.2023 to 26.10.2023.*
- 2. The IP address 10.177.88.58 had recorded twice login/logout history on 10.10.2023.*

5. The list of official 33 Operational IP Addresses in the office of the Circle Officer, Dispur Revenue Circle does not contain the aforementioned IP addresses, which depicts unauthorized login and logout by the aforementioned IP addresses.

6. The learned Additional Public Prosecutor has raised serious objection stating that there are incriminating materials in the case diary against the

petitioner. I have perused the case diary. Indeed there are incriminating materials in the case diary against the petitioner. Investigation has progressed to a considerable extent. The custodial detention for the progress of investigation may not be required. The petitioner is a local resident and he has pledged to cooperate with the investigation. The petitioner has submitted that he will abide by any of the bail conditions, purported to be imposed upon him.

7. Considering all aspects, petition is allowed.

8. The petitioner is enlarged on bail on furnishing a bail bond of *Rs.50,000/- (Rupees Fifty Thousand)* with suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M) under the conditions:

- 1. The petitioner shall not tamper with the evidences,*
- 2. the petitioner shall not leave the jurisdiction of the jurisdictional Court without prior written permission till completion of investigation as well as trial.*
- 3. The petitioner shall refrain from such activities with which he is alleged.*

9. On breach of any of the bail conditions, bail order shall stand cancelled.

Bail Application stands disposed of in the above terms.

JUDGE

Comparing Assistant