

GAHC010000462024



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

Case No. : Bail Appln./18/2024

BHABESH TALUKDAR
S/OLT. ARABINDARA TALUKDAR
R/O ARIKUCHI, VILL- TURUMUTHA,
P.S. KAMARKUCHI, NALBARI, ASSAM
T/A- DISPUR, SECRETARIAT QUARTER,
QUARTER O. 102, P.S.DISPUR, GUWAHATI,
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S DEKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

24.01.2024

1. Heard Mr. S. Deka, learned counsel for the accused petitioner. Also heard Mr. P. Borthakur, learned Addl. P.P., Assam appearing for the State respondent.

2. This is an application under Section 439 of the Code of Criminal Procedure, 1973 for granting regular bail to the accused petitioner, namely **Bhabesh Talukdar**, who was arrested on 16.12.2023, in connection with **Geetanagar P.S. Case No.309/2023** under Sections **120B/448/417/420/ 406/409** of the IPC.

3. The case diary as called for is placed before the Court.

4. The case of the prosecution, in brief, is that the petitioner, who is the Jarikarak of the Dispur Revenue Circle, had shown to have served a mutation notice to one Devi Prasad Baruah, who had already expired in the year 2005.

5. Mr. S. Deka, learned counsel for the accused petitioner submits that the petitioner is totally innocent and is a victim of circumstances and has been falsely implicated in this case.

6. Mr. P. Borthakur, learned Addl. P.P submits that except the fact that the petitioner had served the notice, no other adverse materials have been collected by the investigating officer.

7. I have heard the submissions made at the bar and perused the materials available on record including the case diary.

8. Considering the fact that the petitioner has been in custody since 16.12.2023, that is, for 40 days and also taking into account the nature of allegations as regards the petitioner, this Court is of the opinion that further custodial detention of the accused petitioner is perhaps not necessary.

9. Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs.30,000/- (Rupees Thirty Thousand)** with one surety of like amount to the satisfaction of learned **C.J.M., Kamrup(M)** subject to the following conditions-

i) That the accused petitioner shall cooperate with the Investigating

Officer as and when required;

ii) That the accused petitioner 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 from disclosing such facts to the Police Officer or the Court; and

iii) The accused petitioner shall refrain from such activities with which he is alleged, failing which, the bail order shall stand cancelled.

10. Return the case diary.

11. The bail application stands disposed off.

JUDGE

Comparing Assistant