

GAHC010002372024



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

Case No. : Bail Appln./35/2024

PROTYOT PRAN SAIKIA
S/O LATE JADAV CHNADRA SAIKIA
PRESENT ADDRESS- SOUTH CITY APARTMENT,
F/NO. 306, 3RD FLOOR,
NEAR HOCKEY STADIUM
P.S. HATIGAON
DIST. KAMRUP (M), ASSAM
PIN-781038
PERMANENT ADDRESS-
VILL- LAKWA
P.S. LAKWA
DIST. SIVASAGAR, ASSAM
PIN-785698

VERSUS

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

Advocate for the Petitioner : MR. T DEURI
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 19-01-2024

Heard Mr. T. Deuri, learned counsel for the accused. Also heard Mr. R. J. Baruah,

learned Addl. P.P. for the State respondent.

This application, under Section 439 Cr.P.C. is preferred by accused, Sri Prottyot Pran Saikia, who has been languishing in jail hajot since 19.12.2023, in connection with Dispur P.S. Case No. 2291/2023, under Sections 420/406/468/419/120-B IPC, for grant of bail.

The above noted case has been registered on the basis of an FIR lodged by one Parikhith Kalita on 11.12.2023.

The essence of allegation, made in the FIR, dated 11.12.2023, is that the applicant alongwith three others, namely, Sri Debajit Nath, 2. Imtiaz Ahmed and 3. Hamen Brahma proposed to sale a plot of land, measuring 1 katha 15 lechas covered by Dag No. 110 (old) /988 (new) of kheraj patta No. 89 of village No. 1 Hengarabari, under Beltola mouza, to the informant showing one registered power of attorney bearing Serial No.5192, Deed No. 1009 dated 28.02.2022 and fixed the consideration at Rs. 2,22,00,000/- and received a sum of Rs.75,00,000/- from the informant and his friend and Hrishikesh Das as advanced money and thereafter, on 23.05.2022 the accused persons have received another sum of Rs.10,00,000/- from them. Later on, he came to know that the power of attorney is fake and the person who has been shown as owner of the aforesaid plot of land is not the real owner.

The learned counsel for the accused submits that the accused was arrested on 19.11.2023 and since then he has been languishing in jail hajot and that his only fault is that he stood as the land owner impersonating himself as Mr. Jayanta Kr. Nath and he is ready to cooperate with the investigating agency and therefore, it is contended to allow this petition.

On the other hand, Mr. Barua, learned Addl. P.P. has opposed the petition on the ground that the I.O. has collected sufficient incriminating materials against the accused. Having heard the submission of learned Advocates of both the parties, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Barua, learned Addl. P.P.

The case diary indicates that the I.O. has sufficient incriminating materials against the accused. Investigating is still going on and entire conspiracy is yet to be unearthed and in the interest of investigation, further custodial detention of the accused appears to be necessary in this Case and therefore, this Court is of the considered opinion that this is not a fit case for granting privileges of bail, at this stage and accordingly petition stands dismissed.

Case diary be returned.

JUDGE

Comparing Assistant