

GAHC010002942024



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

Case No. : Bail Appln./62/2024

PANKAJ DAS
S/O- SRI BAIKUNTHA DAS, RESIDENCE OF UZAN BAZAR, KHARGHULI,
NEAR BARTHAHAKUR CLINIC, P.S. LATASIL, GUWAHATI, DISTRICT- KAMRUP
(METRO), ASSAM

VERSUS

THE STATE OF ASSAM
THROUGH THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. U DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

09.01.2024

Heard Mr. U Dutta, learned counsel for the accused. And also heard Mr. Makhan Phukan, learned Public Prosecutor, Assam for the state respondent.

2. This application, under Section 439 of the Code of Criminal Procedure,

1973, is preferred by accused, namely, **Shri Pankaj Das** who has been languishing in jail hazoot in connection with **Cyber P.S. Case No.12/2023**, registered under Sections **120(B)/419/420 IPC**, since 29.11.2023, for granting bail.

3. The said case has been registered on the basis of an FIR lodged by one Papu Gogoi, ACS, Circle Officer, Dispur Revenue Circle on 02.11.2023.

4. The essence of allegations made in the FIR, against the present applicant is that it has come to the notice of the informant that a mutation order was passed online in Dharitree Portal on 05.10.2023 and case No. MET/DIS/2022-23/96042/OMUT against a Deed, bearing Sl. No. 6268 dated 31.12.1995, wherein no offline case record of any notice was issued or order so passed was found to be available in the office of the informant.

5. Mr. U. Dutta, the learned counsel for the applicant, submits that the accused was arrested on 29.11.2023 and since then he has been languishing in jail hazoot and that the accused was working as Home Guard in the office of the Sub-Registrar, Kamrup (M) Guwahati and that some of the co-accused have already been enlarged on bail by this court and that he is ready to co-operate with the investigating agency and therefore, it is contended to allow the petition.

6. On the other hand, Mr. M. Phukan, the learned P.P., has produced the case diary before this court and vehemently opposed the petition. Mr. Phukan submits that the Investigating Officer has collected sufficient materials against the accused and that his detention is required in the interest of investigation and that some of the culprits are yet to be arrested and therefore, it is contended to dismiss the petition.

7. Having heard the submission of learned Advocates for both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary, produced before this Court by the learned Public Prosecutor, Assam, with his assistance.

8. The case diary indicates that the I.O. has collected sufficient incriminating materials against the accused. Investigation is going on and some of the co-accused are yet to be arrested. The entire conspiracy, and the persons involved therein is yet to be unearthed. Besides, the offences are also serious in nature having wide ranging ramifications upon the society.

9. Thus, balancing the individual right of the accused with that of the societal interest, this court is of the opinion that this is not a fit case where the privilege of bail can be extended to the accused and accordingly the petition stands dismissed. The case diary be sent back immediately.

JUDGE

Comparing Assistant