

GAHC010003232024



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

Case No. : Bail Appln./49/2024

DWIP JYOTI NATH @ DWIPJYOTI NATH
S/O. AJIT KR. NATH, R/O. VILL. URIAMTALI, P.S. DHEKIAJULI, P.S.
DHEKIAJULI, DIST. SONITPUR, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM.

Advocate for the Petitioner : MR. K BORUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

30.01.2024

Heard Mr. K. Boruah, learned counsel for the petitioner and Mr. D. Das, learned Addl. P.P, Assam.

This is an application under Section 439 of Cr.PC, 1973 for granting bail to the accused/petitioner, namely Sri. Dwip Jyoti Nath @ Dwipjyoti Nath, who was

shown arrested on 08.12.2023 in connection with Tezpur P.S Case No. 894/2023 (Corresponding G.R. No. 1878/2023) registered under Sections 406/409/420 of IPC.

Mr. K. Boruah, learned counsel for the petitioner submits that the accused/petitioner was arrested earlier on 10.11.2023 in connection with an FIR filed by one Prabin Chandra Lahkar of Mahabhairab Cooperative Urban Bank alleging that the accused/petitioner has misappropriated about a sum of Rs. 34 Lakhs by transferring the said money to his own account maintained in different Bank.

The learned counsel for the petitioner further submits that he was already granted bail in connection with the said FIR by the Court of Chief Judicial Magistrate, Sonitpur, Tezpur by Order dated 02.01.2024. He submits that the present FIR is filed by Tezpur Bar Association alleging the same as that of the earlier FIR dated 04.10.2023.

Mr. D. Das, learned Addl. P.P submits that the offence alleged is an economical offense and the mis-appropriation is of a huge amount.

The Case Diary as called for is placed before this Court.

I have heard the submissions made at the bar and perused the materials available on record.

Upon comparison of the two FIR, namely the FIR dated 04.10.2023 and the present FIR dated 03.11.2023, it appears that the allegations are of the same transaction and that the petitioner has already been granted bail in

connection with the first FIR. It further appears that the accused/petitioner has been languishing in jail for last 53 days in connection with this FIR.

Considering the length of detention, this Court is of the opinion that there is no justification in keeping the petitioner under detention, if otherwise cooperate in his trial.

For the aforesaid reasons, the petitioner namely Sri. Dwip Jyoti Nath @ Dwipjyoti Nath is allowed to go on bail of Rs. 50,000/- with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Sonitpur, Tezpur, subject to the following conditions:-

- (i) That the petitioner shall cooperate in the investigation.
- (ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any other persons who may be acquainted with the facts of the case so as to dissuade such persons from disclosing such facts before the Investigating Officer.
- (iii) That the learned Trial Court may impose any additional condition of bail if it deems fit to do so, at any time, while the petitioner is enlarged on bail.

With the above observation, this bail application stands disposed of.

JUDGE

Comparing Assistant