

GAHC010009032024



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

Case No. : Bail Appln./163/2024

KHARGESWAR DAS
S/O LATE BIDYA CHANDRA DAS
R/O MAZGAON,
NEAR AUNIATI SATRA, NORTH GUWAHATI, P.S. NORTH GUWAHATI,
DIST.KAMRUP, ASSAM, PIN-781030

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R BORUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

24.01.2024

1. Heard Mr. R. Baruah, 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 **Khargeswar Das** in connection with **Garchuk P.S. Case No.324/2023** under Sections **120B/467/468/447/427/379** of the IPC.
3. The case diary as called for is placed before the Court.
4. The instant case has been registered on the basis of the FIR lodged by the informant on 29.11.2023 alleging land encroachment by some miscreants on 11.06.2023 and the petitioner, who is the Lot Mandal of the Dispur Revenue Circle was arrested by the concerned police officials in connection with the said incident for conniving with other accused persons for making mutation of the land.
5. Mr. R. Baruah, learned counsel for the accused petitioner submits that the accused petitioner had performed his duties within the limitation of his official capacity and has prepared the report on the basis of spot verification as well as perusal of the certified documents of the concerned authority.
6. Mr. P. Borthakur, learned Addl. P.P, on the other hand, submits that the petitioner has been habitually committing the crime for which he has been alleged in the instant FIR and that he was earlier arrested in Garchuk P.S. Case No.325/2023 and Geetanagar P.S. Case No. 309/2024. It appears that in respect of Garchuk P.S. Case No.325/2023 the petitioner has been enlarged on bail.
7. I have heard the submissions made at the bar and perused the materials available on record including the case diary.
8. It appears from the case diary that there are sufficient materials available on record implicating the petitioner for the offences alleged and that the petitioner has been alleged to have committed similar offences earlier. The

investigation being at initial stage, this Court is of the opinion that the petitioner, if enlarged on bail at this stage, the ongoing investigation is likely to be hampered.

9. In view of the above reasons, the bail application stands rejected.

10. Return the case diary.

11. The bail application stands disposed off.

JUDGE

Comparing Assistant