

GAHC010009612024



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

Case No. : Bail Appln./168/2024

NIREN CHOUDHURY
S/O LATE DEBAN CHOUDHURY
R/O SANTIPUR ASHRAM PATH
P.S. BHRALUMUKH
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MD A ISLAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 25.01.2024

Heard Md. A. Islam, learned counsel appearing for the accused petitioner as well as Mr. D. Das, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Niren Choudhury**, has prayed for grant of bail in connection with **Bharalumukh P.S. Case No.362/2023** under Sections

420/406/409/468/471/34 of the IPC.

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

The accused petitioner has been in judicial custody since 19.12.2023.

The case of the prosecution is that the land of the informant was mutated in the name of one Manik Das fraudulently without there being any entry in the Index Box in the office of the Sale Register. Accordingly, a case was registered.

Mr. Islam, learned counsel for the petitioner, submits that the other accused persons mentioned in the FIR were known to the petitioner and were living in the same locality and that he is not involved in the offence alleged.

Mr. D. Das, learned Addl. P.P., Assam, on the other hand, strongly opposes the prayer of bail. He submits from the case diary that the petitioner is the power of attorney holder of accused Manik Das, who has fraudulently executed the sale deed.

I have considered the submissions made at the Bar and have perused the materials available on record including the case diary.

It appears that the statement of the petitioner has already been recorded under Section 161 Cr.P.C. The investigation is going on. The petitioner has been languishing since last 38 days. It further appears that the other co-accused, namely, Amulya Mohan Kalita, Pankaj Das and Roham Rahman were already granted regular bail by this Court by order dated 09.01.2024.

That being so, considering the entire aspects of the matter, this Court is inclined to grant bail to the petitioner.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs. 50,000/-** with one surety of like amount to the satisfaction of the **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; and
- 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.

Return the case diary.

This disposes of the bail application.

JUDGE

Comparing Assistant