

GAHC010014822024



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

Case No. : Bail Appln./244/2024

NIJAM BASUMATARY
PRESENT R/O AT SAUKUCHI P.S-BASISTHA, DISTRICT KAMRUP METRO,
GUWAHATI PERMANENT R/O KASUGAON. P.S. KASUGAON DISTRICT
KOKRAJHAR, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY THE LEARNED PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 06.02.2024

Heard Mr. S. Nawaz, learned counsel for the accused. Also heard Mr. R.J. Baruah, learned Addl. Public Prosecutor for the State respondents.

2. This application, under Section 439 Cr.P.C. is preferred by the accused, namely, Nijam Basumatary, who has been languishing in jail hazot in connection

with Dispur P.S. Case No. 384/2022, under Sections 341/447/427/34 of the IPC with added Sections 120(B)/468/423/471 of the IPC, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Debabrat Mahanta on 17.02.2022. The essence of allegation made in the FIR dated 17.02.2022 is that some unknown persons have closed the road leading to the land belonging to his father situated at Saukuchi, bearing Dag No. 888, Patta No. 191 and also tried to take possession of the said plot of land by filling earth.

4. Mr. Nawaz, learned counsel for the accused submits that the accused was arrested on 21.12.2023, and since then he has been languishing in jail hazot for the last 48 days and that the accused is innocent and no way involved in this offence under Sections 341/447/427/34 of the IPC with added Sections 120(B)/468/423/471 of the IPC and that he is ready to cooperate with the investigating agency, and therefore, it is contended that the application be allowed.

5. On the other hand, Mr. R.J. Baruah, learned Addl. Public Prosecutor submits that the I.O. has collected sufficient incriminating materials against the accused, and therefore, Mr. Baruah has opposed the application.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the application and the documents placed on record and also perused the case diary with the assistance of Mr. Baruah, learned Addl. Public Prosecutor.

7. 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, and the angle of conspiracy is yet to be unearthed, and enlarging the accused on bail at this stage will hamper the

investigation.

8. Accordingly, this Court is of the view that this is not a fit case where the privilege of bail can be granted to the accused and accordingly, the bail application stands dismissed.

9. Case diary may be returned.

JUDGE

Comparing Assistant