

GAHC010014922024



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

Case No. : Bail Appln./270/2024

PURABI DAS
DAUGHTER OF LATE DILIP DAS, RESIDENT OF - VILLAGE- MILANPUR,
MIRZA, P,S- PALASHBARI, DISTRICT- KAMRUP (R), ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR P DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

06.02.2024

Heard Mr. P. Das, learned counsel for the accused and Mr. R.J. Barua, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused namely, **Purabi Das**, who has been languishing in jail hazot, in connection with the **Moirabari P.S. Case No. 249/2023**, under Sections 120[B]/ 419/ 420/ 467/ 468/ 471/ 34 of the IPC read with Sections 66[c]/ 66[d] of the I.T. Act, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by SI Dipak Chakraborti, on 14.12.2023. The essence of allegations made in the FIR is that on 14.12.2023, at about 5:00 pm, acting on a tip off, the informant along with his staff conducted a raid at Gunaibari village and apprehended one Ashim Kumar Barman and Purabi Das, who are involved in preparing fact Addhar Card by utilizing forged documents with various electronic devices, papers, etc. and recovered one TATA Tiago 4 wheeler; one Pan Card suspected to be of Sushant Kumar; one laptop; one MI laptop; one multi-figure scanner; one IRIS camera; one USB camera; one EPSON printer; one VIVO mobile; one Realme UI mobile; one Addhar enrolment form in the name of Rasmina Parveen; one Addhar enrolment/correction form in the name of Nur Jahar Basti; one Addhar enrolment/correction form in the name of Muslim Dewan; one Addhar enrolment/update form in the name of Bimal Das; and some other documents from their possession.

4. Mr. Das, learned counsel for the accused submits that the accused was arrested on 14.12.2023, and since then she has been languishing in jail hazot for last 54 days. Mr. Das further submits that one of the co-accused namely, Ashim Kumar Barman has already been enlarged on bail by this Court, vide order dated 19.01.2024, in BA No. 42/2024. Mr. Das also submits that the applicant is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Barua, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the IO has collected sufficient incriminating materials against the accused persons and therefore, it is contended to dismiss the petition.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.
7. It appears that the accused was arrested on 14.12.2023, and sent to the judicial custody on 15.12.202, and since then she has been languishing in jail hazot for last 54 days. Further, it appears that one of the co-accused namely, Ashim Kumar Barman has already been enlarged on bail by this Court, vide order dated 19.01.2024, in BA No. 42/2024.
8. Though the IO has collected some incriminating materials against the accused, yet, in view of the progress of investigation, this Court is of the view that her further custodial detention may not be warranted in the interest of investigation.
9. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the learned **Chief Judicial Magistrate, Morigaon**, the accused persons be enlarged on bail.
10. In terms of above, this bail application stands disposed of.
11. The case diary be returned.

JUDGE

Comparing Assistant