

GAHC010014992024



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

Case No. : Bail Appln./241/2024

SANKAR DEV SAHA
S/O SADANANDA SAHA
R/O VILL- NO. 2 JAMDOHA, P.S. MANIKPUR, DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

13.02.2024

Heard Mr. M. Khan, learned counsel for the accused and Ms. A. Begum, 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, **Sankar Dev Saha**, who has been languishing in jail hazot, in connection with the **Manikpur P.S. Case No. 04/2024**, under Sections 420/406 of the IPC, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by

one Samsul Alom, on 06.01.2024. The essence of allegation made in the FIR is that on 31.12.2023, he has transferred a sum of Rs. 2,000/- to his friend Sohida Ali through Google Pay, but Sohida Ali has not received the same and he informed him that the phone number, against whom the amount was transferred has no Google Pay account. Thereafter, after inquiring in the Bank of Baroda, he came to know that the said account belongs to one Hasen Ali and when inquired, said person informed him that he is not aware of the said account. Then, he again inquired in the said bank and came to know that the account was opened through CSP, Gerukabari BOB and it was opened by one person namely, Sankar Dev Saha, having mobile No. 9678580104.

4. Mr. Khan, learned counsel for the accused submits that the accused was arrested on 08.01.2024, and since then he has been languishing in jail *hazot* for last 36 days. Mr. Khan further submits that the accused is ready to cooperate with the investigating agency and therefore, it is contended to allow this petition.

5. On the other hand, Ms. Begum, learned Additional Public Prosecutor submits that she has not received the case diary, but he has the instruction that the I.O. has already completed investigation and laid Charge-Sheet against the accused, under Sections 420/406 of the IPC, vide Charge-Sheet No. 08/2024, dated 30.01.2024.

6. Having heard the submission of learned counsel for both the parties, I have carefully gone through the petition as well as the documents placed on record.

7. It appears that the accused was arrested on 08.01.2024, and since then he has been languishing in jail *hazot* for last 36 days. Further, it appears that the I.O. has already completed investigation and laid Charge-Sheet against

the accused, under Sections 420/406 of the IPC, vide Charge-Sheet No. 08/2024, dated 30.01.2024.

8. Since the IO has completed the investigation and submitted charge sheet against the accused and balancing the period of detention with the nature and gravity of the offence, this Court is inclined to allow this petition. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- each only, with one surety of like amount to the satisfaction of the learned **Chief Judicial Magistrate, Bongaigaon**, the accused be enlarged on bail.

9. In terms of above, this bail application stands disposed of.

Comparing Assistant

JUDGE