

GAHC010016072024



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

Case No. : Bail Appln./263/2024

SADOY KR DEKA
S/O BAIKUNTHA NATH DEKA
HOUSE NO 23, BHASKAR NAGAR, P.S. GEETANAGAR, DISTRICT KAMRUP
METRO, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B D KONWAR SR. ADV.

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 09.02.2024

- 1.** Heard Mr. B. D. Konwar, learned senior counsel assisted by Mr. J. Singh, learned counsel for the petitioner. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor for the State respondent.
- 2.** This application under section 439 of the Code of Criminal Procedure,

1973 has been filed by the petitioner, namely, Sadoy Kr. Deka, who has been detained behind the bars since 20.12.2023 (for the last 52 days) in connection with Azara P.S. Case No. 261/2023 under Section 120B/420/466/467 of the Indian Penal Code.

3. It is pertinent to mention herein that in the instant case, the petitioner has been shown arrested while he was already in custody in Cyber Police Station Case No. 12/2023 since 29.11.2023.

4. The gist of the accusation in this case is that on 06.12.2023, one Jakir Hussain had lodged an FIR before the Officer-In-Charge of Azara Police Station, *inter-alia*, alleging that the accused persons named in the FIR (three accused persons namely, (1) Dhiraj Choudhury, (2) Geetanjali Kalita Choudhry, and (3) Pratibha Kalita are named in the FIR) have presented a fake deed in the Misc (J) Court 464/2023 in Title Suit No. 277/2023 at Guwahati Civil Court.

5. It is also alleged that there are no related documents to the said fake deed available in the Guwahati Sub-Registrar Office.

6. Learned senior counsel for the petitioner has submitted that the petitioner is working as Extra-Writer in the Office of the Sub Registrar Office Kamrup Metro and he has been arrested in similar other cases also whereas he has not specifically named in the FIR. Learned senior counsel for the petitioner has also submitted that the petitioner has already granted bail in other cases where he was also shown arrested and considering the period of detention, it is prayed that the petitioner may be allowed to go on bail.

7. On the other hand, learned Additional Public Prosecutor has submitted that there is strong suspicion against the present applicant however, at present there is no implicating material against the present petitioner in the case diary.

8. I have considered the submissions made by the learned counsel for

both the parties as well as perused the materials available on record, including the case diary of Azara P. S. Case No. 261/2023.

9. Considering the fact that none of the co-accused have implicated the present petitioner in this case and also considering the fact that the petitioner has been behind the bars since long (for the last 52 days) and in fact 73 days behind the bars in total, his further custodial detention may not be necessary for fair completion of the investigation of Azara P.S. Case No. 261/2023, if he otherwise co-operates in the investigation. In view of the above, the above-named petitioner is hereby allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand Only) with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M) subject to the conditions:

- i. That the petitioner shall cooperate in the investigation;
- ii. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case, so as to dissuade such person from disclosing such facts of the case before the Investigating Officer.

10. With the above observations, this bail application is hereby disposed of.

JUDGE

Comparing Assistant