

GAHC010016082024



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

Case No. : Bail Appln./260/2024

SRI 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
REPRESENTED BY 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 : 06.02.2024

Heard Mr. B. D. Konwar, learned senior counsel assisted by Ms. S. Jain, learned counsel for the petitioner. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor for the State.

This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, *Sri Sadoy Kr. Deka*, seeking bail in connection with Fatasil Ambari P.S. Case No. 275/2023 wherein he has been shown

as arrested on 15.12.2023 (for last 53 days) while he was already in custody since 29.11.2023 in connection with Cyber P.S. Case No. 12/2023.

The gist of accusation in this case is that one Shanti Ram Deka had lodged an FIR before the Officer-in-Charge of Fatasil Ambari Police Station, *inter alia*, alleging that Nirmal Kumar Sharma, Tapash Choudhury and Sajall Singh had made a forged Sale Deed No. 7590/78 whereby it has been shown that the land belonging to the father of the first informant has been sold to Nirmal Kumar Sharma. It is also alleged that the said accused persons named in the FIR are making false and fake land records in order to grab and dispose of land of innocent citizens.

Learned senior counsel for the petitioner has submitted that, in the meanwhile, five of the co-accused, namely, Nirmal Kumar Sharma, Sajall Singh, Niranjana Deka, Nayan Kalita and Debasish Barua have already been granted bail. It is also submitted by learned senior counsel that, in the meanwhile, the petitioner has also been granted bail in connection with Cyber P.S. Case No. 12/2023 by this Court.

Learned senior counsel for the petitioner has also submitted that the FIR in the instant case itself reflects that a civil suit with regard to the alleged forged sale deed is also pending before the Court of Civil Judge, Kamrup(M). Learned senior counsel for the petitioner has submitted that considering the period of detention in the instant case, i.e., 53 days, his further custodial detention is not justified and he may be allowed to go on bail.

On the other hand, learned Additional Public Prosecutor has produced the case diary of Fatasil Ambari P.S. Case No. 275/2023 and has submitted that the co-accused in this case have made incriminating statement against the present petitioner.

I have considered the submissions made by learned counsel for the

petitioners as well as learned Additional Public Prosecutor and have perused the materials available on record including the case diary of Fatasil Ambari Police Case No. 275/2023.

Considering the fact that the present petitioner has already been granted bail in connection with Cyber P.S. Case No. 12/2023 and five of the co-accused in Fatasil Ambari P.S. Case No. 275/2023 have already been granted bail as well as considering the fact that a civil suit is also pending in respect of the plot of land against which forged sale deed has been executed, this Court is of the considered opinion that further custodial detention of the present petitioner may not be necessary, if he otherwise cooperates in the investigation of Fatasil Ambari P.S. Case No. 275/2023.

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 one surety of like amount to the satisfaction of 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 other persons who may be acquainted with the facts of the case so as to dissuade such persons from disclosing such facts before the Investigating Officer.

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

JUDGE

Comparing Assistant