

GAHC010016102024



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

Case No. : Bail Appln./261/2024

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
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

- 1.** Heard Mr. B. D. Konwar, 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

arrested in connection with Cyber Police Station Case No. 12/2023, registered under Sections 120(B)/419/420 of the Indian Penal Code, 1860 read with Section 66C/66D of the Information Technology Act, 2000 and added Sections 409/468/471 of the Indian Penal Code since 29.11.2023 (for the last 69 days).

3. The gist of the accusation against the present petitioner is that one Mr. Papu Gogoi, Circle Officer, Dispur Revenue Circle, had lodged an FIR before the Officer-in-Charge of the Cyber Police Station, Panbazar, Guwahati, *inter-alia*, alleging that a mutation order passed online on Dharitree portal on 05/10/2023 in Case No. MET/DIS/2022-23/96042/OMUT against a deed bearing serial 6268 dated 31/12/1995; wherein no offline case record of any notice issued, order etc. was found to be available in the office of the Circle Officer, Dispur Revenue Circle.

4. It was also alleged that no verification report was submitted by the Lat Mondal in the said mutation case.

5. It was also alleged that there was unauthorised and illegal access was made to certain IP addresses.

6. On receipt of the said FIR, Cyber Police Station Case No. 12/2023 was registered.

7. Learned senior counsel for the petitioner has submitted that the petitioner is an Extra Writer in the Office of the Sub-Register, Kamrup (M) and has been detained behind the bars for the last 69 days.

8. It is also submitted that many other officials were arrested as co-accused in the instant case and already three of the co-accused were granted bail by this Court, i.e., namely, Juri Devi Sarma in BA no. 4644/2023 on 22.12.2023 as well as Niranjana Deka and Nayan Kalita in BA No. 4659/2023 by order dated 22.12.2023.

9. Learned senior counsel for the petitioner has submitted that as the co-accused persons are already released on bail and considering the period of detention already undergone by the present petitioner may be allowed to go on bail.

10. On the other hand, learned Additional Public Prosecutor has produced the case diary of Cyber Police Station Case No. 12/2023 and has submitted that in the meanwhile the Investigating Officer has already recorded the statement of the present petitioner under section 161 of the Code of Criminal Procedure, 1973.

11. I have considered the submission made by learned counsel for the petitioner for both the sides and have perused the material on record including the case diary of Cyber Police Station Case No. 12/2023.

12. Considering the fact that some of the co-accused are already released on bail as well as considering the progress made in the investigation as well period of detention already undergone by the present petitioner, further custodial detention of the present does not appear to be necessary for fair completion of the investigation of Cyber Police Station Case No. 12/2023.

13. Hence, in view of the above, the above named petitioner is allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only), with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup subject to the following 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.

- 14.** With the above observations, this bail application is hereby disposed of.
- 15.** Send back the case diary.

JUDGE

Comparing Assistant