

GAHC010018792024



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

Case No. : Bail Appln./304/2024

KABINDRA ROY
S/O- LATE RABILOCHAN ROY, R/O- VILLAGE- CHENGA, P.O. CHENGA, P.S.
BARPETA, DISTRICT- BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R MAJUMDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 13-02-2024

Heard Mr. J. U. Laskar, learned counsel for the accused. Also heard Mr. R . J. Barua, learned Addl. P. P. for the State respondent.

This application, under Section 439 Cr.P. C. is preferred by accused, Kabindra Roy, who has been languishing in jail hajot since 09.01.2024, in connection with

Sorbhog P. S. Case No. 80/2023,(G.R.Case No. 1083/2023) under Section 120 (B) / 420/ 468/ 471 IPC, for grant of bail.

The above noted case has been registered on the basis of an FIR lodged by one Geetashree Lachit, A.D.C cum Addl. District Magistrate, Barpeta on 18.7.2023.

The essence of allegation, made in the FIR is that while verifying the OBC Caste certificate (Application reference No. SSDG /Cast /8589411 dated 4.7.2023) On Line E-District Portal, Linkage certificate i.e Caste OBC certificate of the applicant, Nandeswar Das is found to be fake as all off line issuance of caste certificate was stopped since 31.7.2022 and the caste certificate, which was enclosed with the application was issued on 18.12.2022 and the counter signature of the A.D.C has also been found to be forged.

Mr. J. U. Laskar, learned counsel for the accused submits that the accused approached this Court by filing one anticipatory bail application being AB No. 2634 /2023 and the same was dismissed by this Court vide order dated 13.09.2023 and thereafter, had surrendered before the I.O. and thereafter, he was arrested and forwarded to the jail hajot and since then, he has been languishing in jail hajot for last 35 days.

Mr. Laskar further submits that the accused is ready to cooperate with the investigating agency, and therefore it is contended to allow this petition.

On the other hand, Mr. Barua, learned Addl. P. P., has submitted that the after perusing the case diary, earlier anticipatory bail application of the accused was rejected on 13.09.2023, and that the I.O. has collected materials against him and the case is pending for collection of specimen signature and handwriting expert report.

Having heard the submission of learned Advocates of both the parties, I have

carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Barua, learned Addl. P.P for the State respondent.

The case diary indicates that the I.O. has collected some materials against the accused, but, it also appears that the investigation of the case is progressed sufficiently and it is pending for collection of the report of specimen signature and handwriting expert. Further, it appears that the accused is behind the bar for last 35 days and balancing the period of detention with the nature and gravity of offence, this Court is inclined to allow this petition. Accordingly, it is provided that on furnishing a bond of Rs.50,000/- with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Barpeta, the accused be enlarged on bail.

Case diary be returned.

JUDGE

Comparing Assistant