

GAHC010020942024



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

**Case No. : Bail Appln./318/2024**

RAMEN MADAH  
S/O SARAT MADAH, R/O LALUNG GAON, P.S. GARCHUK, GUWAHATI,  
DIST. KAMRUP(M), ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner : MR. N K KALITA**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**Date : 22.02.2024**

Heard Mr. N.K. Kalita, learned counsel for the accused and Mr. R.J. Baruah, learned Addl. Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused namely, Sri Ramen Madahi, who has been languishing in jail hazot in connection with the Crime Branch P.S. Case No.

09/2023, under Sections 120B/419/420/468/471/409 of the IPC, for granting bail.

3. The aforementioned case has been registered on the basis of an FIR lodged by one Chandan Das, on 03.12.2023. The essence of allegations made in the FIR is that during investigation of Cyber P.S. Case No. 12/2023, under Sections 120B/419/420 of the IPC read with Sections 66(C)/66(D) of the IT Act and added Sections 409/468/471 of the IPC, he found that a mutation order has been passed based on the fake deed No. 6268/95, dated 31.12.1995, in the name of Ansar Ali, who allegedly purchased the land from one Jatindra Nath Goswami and Debendra Nath Goswami of Paltanbazar and another mutation order was found to be passed by the Circle Officer of Dispur Revenue Circle, dated 17.08.2023, regarding 1 katha 10 lessa of land based on the report of Bapdhan Das (Mandal) and fake deed No. 4682/92, dated 31.12.1992, in the name of Moriyom Bibi was issued showing purchase of land from one Khagen Boro of Katakipara and it has been found that Khagen Boro is the actual owner of the plot of land and he did not sale the aforesaid land to Moriyom Bibi and the fake deed No. 4682/92, dated 31.12.1992, based on which the mutation order was passed in Moriyom Bibi case was prepared by Advocate Mainul Hoque, on being requested by Ramen Madahi, who paid Rs. 2,00,000/- to him and the fake registration was done by Nitul Das, Jr. Asst. of Sub-Registrar Office along with his accomplices and later on, Advocate Mainul Hoque applied for mutation of the aforesaid land in the name of Moriyom Bibi and in the process Advocate Mainul Hoque also paid a sum of Rs. 1,50,000/- to one Abul Kalam Azad for passing mutation order in the name of Moriyom Bibi. Thereafter, on 11.11.2023, another order is found to have been passed on the same land vide Dag No. 136 (old) 626 (new) and Patta No. 319 (old) 464 (new) in the name of

Samir Choudhury, measuring 1 Katha 10 Lessas by the Circle Officer of Dispur Revenue Circle, based on the report of Bapdhan Das (Mandal), who submitted the report without verifying the land physically and on physical verification it has been found that the plot of land is occupied by one Mintu Rava, accomplice of Ramen Madahi.

4. Mr. Kalita, learned counsel for the accused submits that the accused has been shown arrested here in this case on 04.01.2024, and he was originally arrested in the case of Cyber P.S. Case No. 12/2023, wherein he has already been granted bail. Mr. Kalita further submits that this is the second bail application preferred by the accused and the first bail application, being Bail Appln. No. 129/2024, was dismissed by this Court and the ground for filing this second bail application is that the accused is suffering from ailments of liver and he also suffered Type III A Compound Fibula Fracture of right side and presently undergoing treatment and he could not walk without any support and besides, he has also been suffering from Splenomegaly and Grade-I Hepatic Steatosis and currently under medication, and that the accused is behind the bar for last 51 days and some of the co-accused have already been granted bail by this Court. Mr. Kalita further submits that the accused is ready to cooperate with the investigating agency, and therefore, it is contended to allow the application.

5. On the other hand, Mr. R.J. Baruah, learned Addl. Public Prosecutor has produced the case diary before this Court and submits that the investigation, so far it relates to the present accused is concerned, is almost completed. However, Mr. Baruah submits that the I.O. has collected sufficient materials against the accused. And therefore, Mr. Baruah has opposed this petition.

6. Having heard the submission of learned Advocates of both sides, I have gone through the petition and the documents placed on record and also

perused the present health status report of accused Ramen Madahi, forwarded by the Superintendent of Central Jail, Guwahati.

7. It appears that the accused has been suffering from Type III A Compound Fibula Fracture of right side and he has also been suffering from Splenomegaly and Grade-I Hepatic Steatosis and he could not walk without support and currently under medication. It also appears that the accused is behind the bar for last 51 days and some of the co-accused have already been enlarged on bail.

8. Having considered above and also considering the fact that investigation in respect of the present accused is already completed by the I.O. and specially, the health status of the accused, 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 CJM, Kamrup(M), Guwahati, the accused be enlarged on bail.

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

10. Case diary be returned.

**JUDGE**

**Comparing Assistant**