

GAHC010022332024



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

Case No. : Bail Appln./353/2024

NIRANJAN DEKA
S/O LATE MANORAM DEKA @ NANDARAM DEKA
R/O BUDURUKUCHI, NALBARI
P.S. NALBARI,
DIST. NALBARI, ASSAM
PIN-781348

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR W R MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 13-02-2024

Heard Mr. W.R. Medhi, 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, Niranjana Deka, who has been languishing in jail since, in connection with Azara P. S.

Case No. 269/2023, under Section 120 (B)/ 466/ 468/ 471 IPC, for grant of bail.

The above noted case has been registered on the basis of an FIR lodged by one Sajijan Begum on 26.11.2023.

The essence of allegation, made in the FIR is that she is the owner of a plot of land, which she had purchased by a registered sale deed and got her name mutated on 16.5.1998 and since then she has been possessing the same and a few days back, one Devajit Nath and one Imtiaz Anowar used to visit her house and threatened to vacate the aforementioned plot of land, in favour of them and they have prepared a forged Power of Attorney by forging her signature. Mr. Medhi, learned counsel for the accused submits that this is the second bail application preferred by the accused and the first one being BA No. 9 / 2024, was dismissed by this Court on 12.1.2024. Mr. Medhi further submits that the ground for filing the second bail application is that the mother of the accused has been suffering from cervical cancer and the accused is the only person to look after her and therefore, Mr. Medhi has contended to allow the petition. Mr. Medhi, learned counsel for the accused filed one affidavit to support the aforementioned contention alongwith medical documents.

On the other hand, Mr. Barua, learned Addl. P. P. has produced the case diary before this court and submits that the I.O. has collected some materials against the accused in support of the allegation made in the FIR, however, Mr. Baruah submits that if the Court considers the bail application on medical ground, then he has no objection.

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.

It appears that the first bail application was dismissed by this Court on 12.1.2024, after perusing the case diary. Further, it appears from the case diary that the I.O. has collected some materials, in support of the allegation made in the FIR and since rejection of first application, no substantial progress could be achieved by the I.O. However, it appears that this bail application is being filed on medical ground of the mother of the accused. From the additional affidavit and also from the documents enclosed herewith, reveals that the mother of the accused is suffering from cervical cancer. It is the categorical submission of Mr. Medhi that the accused is the only male member of his family to look after his mother.

Having considered above, and also considering the period of detention, 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, Kamrup(M), the accused be enlarged on bail.

Case diary be returned.

JUDGE

Comparing Assistant