

GAHC010023982024



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

Case No. : Bail Appln./356/2024

BIJOY DAS
S/O UTTAM DAS
R/O H/NO. 181, WARD NO. 4, PANDU NATH PANCHA PANDAV MANDIR P.O.
PANDU, P.S. JALUKBAR
DIST. KAMRUP(M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. C K NATH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 12.02.2024

Heard Mr. S. Munir, learned counsel for the petitioner and Mr. M.P. Goswami, learned Addl. Public Prosecutor for appearing on behalf of the State respondent.

This is an application under Section 439 Cr.P.C., filed by the petitioner, namely, Sri Bijoy Das, praying for regular bail, who was arrested on 20.01.2024 in connection with Bharalumukh P.S. Case No.13/2024, registered under Sections 420/ 406/ 468/ 471/ 379/ 409

IPC.

Case diary as called for, is received and perused.

Heard both sides.

It is submitted by Mr. Munir, the learned counsel for the petitioner that the accused/ petitioner is an agent of Poddar Toyota Company, Machkowa, Guwahati and while at the time of booking the vehicle, he took Rs. 1,00,000/- in cash from the customer and he deposited 90,000/ to the Company and Rs. 10,000/- was kept with him towards commission as per procedure of the said Company. However, the car was delivered to the customer. He is behind the bar last 24 days. Hence, he may be released on bail considering the length of detention.

In this Context, Mr. Goswami, the learned Additional Public Prosecutor has submitted that there are sufficient materials against the petitioner and he received Rs. 1,00,000/- in cash from the customer by giving fake money receipt and after an enquiry made by the dealer, he return Rs. 90,000/- to the Company . Accordingly, Mr. Goswami raised objection in allowing the petitioner to on bail.

From the case diary it reveals that the report of FSL is yet to be received and the petitioner is admitted his signature put on the money receipt and also admitted that he has issued the said money receipt to the customer.

In view of the above, considering the facts and circumstances of the case and considering the fact that the car was delivered to the customer, Rs. 90,000/ was deposited to the Company as well as considering the length of detention, I am of the view that further custodial detention may not be necessary, accordingly the prayer for bail is allowed. It is directed that the accused/ petitioner be released on bail on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) with 1 (one) suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati.

The direction for bail is, however, subject to the conditions that the accused-petitioner:

- (a) shall not leave the territorial jurisdiction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, without prior written permission from him/

her;

- (b) shall not hamper with the investigation of the case and tamper with the evidence of the case; and
- (c) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

In terms of the above, this bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant