

GAHC010024012024



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

Case No. : Bail Appln./332/2024

DEV NATH SHARMA
LATE BHAGAWAT SHARMA
RESIDENT OF SONAL MIKIR PATH, HOUSE NO. 39, NEAR SATGAON
POLICE STATION, P.S. SATGAON, GUWAHATI 781171
VERSUS
THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MRS P HAZARIKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 13.02.2024

Heard Mr. N. Jatindra Singh, learned senior counsel assisted by Ms. P. Hazarika, learned counsel appearing on behalf of the petitioner and Mr. D. Das, 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 Dev Nath Sharma, praying for regular bail, who was arrested on 08.12.2023 in connection with Noonmati P.S. Case being FIR No.147/2023, registered under Sections 447/467/ 468/ 471/506 IPC.

Case diary is received and perused.

Heard both sides.

It is submitted by Mr. Singh, the learned senior counsel for the petitioner that the petitioner is innocent and he has purchased the land and occupying the same since 2004. He further submits that there is an agreement between the petitioner and the four owners of the land, who are sons of original vendors and with the advice of the Sub-Registrar, land was executed in favour of him in 2018. However, the petitioner was not aware of the fact that the land owner died and the land was executed through commission. He further submits that the petitioner has been in judicial custody for last 56 days and he is still ready and willing to cooperate with the I.O. for further interrogation of the case as and when required, if he is enlarged on bail considering the length of detention.

In this Context, Mr. Das, the learned Additional Public Prosecutor has submitted that there are sufficient incriminating materials against the accused/petitioner and it is a fact that the land was executed on 23.03.2018 while the original owner was died on 25.01.2018 i.e. prior to the execution of the sale deed. However, considering the length of detention, the prayer for bail may be considered. He further submitted that no other accused persons have been arrested in connection with case and the I.O. has already collected FSL report where in it is seen that the signature of the vendor was forged.

I have perused the case diary and the records. It is seen that the I.O. got sufficient time to interrogate the accused/petitioner keeping him in custody and during investigation, the I.O. has collected other materials and seized the documents. No other accused persons have been arrested till date in connection with the case though there is probability of involvement of other persons. The I.O. has got ample opportunity to interrogate the accused in custody and hence, the further custodial detention may not be required.

In view of the above, considering the submission of the learned counsel for the parties and also considering the fact that the I.O. has got ample opportunity to interrogate the petitioner in custody, I find that this is a fit case to enlarge the petitioner on bail. 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