

GAHC010027312024



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

Case No. : Bail Appln./399/2024

DEEP GUPTA
S/O DILIP GUPTA
R/O BHASKAR NAGAR (B) BLOCK, P.S. FATASIL AMBARI
DIST. KAMRUP (M),
PERMANENT RESIDENT OF
BISHNUPUR KALIRAM PATH, PS FATASIL AMBARI DIST KAMRUP
(METRO), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR T THAKURIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 23-02-2024

Heard Mr. K. Thakur, learned counsel for the accused. Also heard Mr. R. J. Baruah, learned Addl. P.P. for the State respondent.

This application, under Section 439 Cr. P. C. is preferred by accused, Deep Gupta, who has been languishing in jail hajot, in connection with Dimakuchi P.S. Case No. 58/2023, under Sections 420/ 406/ 506 IPC, for grant of bail.

The above noted case has been registered on the basis of an FIR lodged by one Narayan Chandra Barman on 18.4.2023.

The essence of allegation, made in the FIR, dated 18.4.2023, is that the accused Dip Gupta had approached the informant, Narayan Chandra Bhuyan and introduced himself as a superior officer of a Finance Company and assured him to provide a vehicle and believing the said assurance, the informant has given a sum of Rs. 6,93,000/- to the accused and asked him to deliver the vehicle, but, the accused failed to deliver the same and also failed to return the money and thereby, defrauded him.

The learned counsel for the accused submits that the accused is languishing in jail for last 26 days and that he 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. submits that he has not received the case diary, but as per instruction received by him, the I.O. has completed investigation and submitted charge sheet, being Charge Sheet No. 04/2024 dated 31.1.2024 u/s 420/ 406/ 506 IPC.

Since, the charge sheet has been submitted; there is no question of hampering investigation or tampering the witnesses. Now the trial will start and the accused is also preparing to face the same. The accused is behind the bar for last 26 days and having considered the period of detention and balancing the same with gravity of offence, this Court is inclined to allow the petition. 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, Udalguri, the

accused be enlarged on bail

Case diary be returned.

JUDGE

Comparing Assistant