

GAHC010030862024



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

Case No. : Bail Appln./436/2024

BIPUL KALITA @ BIPUL CHANDRA KALITA
S/O LATE HARI CHARAN KALITA
HOUSE NO. 40 (B), NABAJYOTI NAGAR,
PANJABARI, GUWAHATI-37,
DIST. KAMRUP (M), ASSAM
PRESENTLY RESIDING AT LIM ENCLAVE, BLOCK, A, FOURTH FLOOR,
PANJABARI, GUWAHATI-37

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR N BARMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 19.02.2024

Heard Mr. N. Barman, learned counsel for the accused and Mr. B. Sarma, learned Addl. Public Prosecutor for the State respondent.

2. This application, under Section 439 Cr.P.C. is preferred by the accused,

namely, Bipul Kalita @ Bipul Chandra Kalita, who has been languishing in jail hazot in connection with Jalukbari P.S. Case No. 715/2023, under Sections 379/420/406/34 of the IPC, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Pranjal Dewri on 07.12.2023. The essence of allegation made in the FIR dated 07.12.2023 is that entering into an agreement with the informant, the accused Bipul Chandra Kalita, had taken away his vehicle Mahindra XUV 500 WB, bearing Registration No. AS-02M-0786, and in terms of the said agreement, he has to pay the remaining instalments of the vehicle and also to pay a sum of Rs. 1,50,000/-, within a period of one week from the date of execution of the agreement. But, after elapse of one week, the accused had failed to make payment and also did not receive the phone calls of the informant and thereby cheated him.

4. Mr. Barman, the learned counsel for the accused submits that the vehicle has already been recovered and an amount of Rs. 1,50,000/- has already been paid to the informant, and that he is ready to cooperate with the investigating agency, and therefore, it is contended to allow the application.

5. On the other hand, Mr. B. Sarma, learned Addl. Public Prosecutor submits that at this stage, case diary may be called for.

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

7. It appears from Annexure 5, enclosed with this application at page 29, that the accused was also granted the privilege of pre-arrest bail by this Court. But, subsequently, he was arrested as he failed to appear before the I.O. within the stipulated period. It also appears from the Annexure 4 series, which is enclosed with the application from page 22 to 28, that the accused has already made

payment of the sum of Rs. 1,50,000/- to the informant.

8. The accused has been languishing in jail hazot since 08.02.2024, and balancing with the period of detention with the nature and gravity of the offence, this Court is inclined to allow the application. 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), the accused be enlarged on bail.

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

JUDGE

Comparing Assistant