

GAHC010031332024



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

Case No. : Bail Appln./437/2024

MRIDUL HAZARIKA
S/O BHOLANATH HAZARIKA
CHUK,
P.O. AND P.S. GOHPUR,
DIST. BISWANATH, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S SAHU

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 22.02.2024

Heard Mr. S. Sahu, learned counsel for the accused and Ms. A. Begum, learned Addl. Public Prosecutor for the State respondent.

2. This application, under Section 439 Cr.P.C. is preferred by the accused, namely, Mridul Hazarika, who has been languishing in jail hazot in connection

with Gohpur P.S. Case No. 11/2024, under Sections 420/406 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 Ram Nath Doley on 01.02.2024. The essence of allegation made in the FIR dated 01.02.2024, is that on 24.11.2017, the accused Mridul Hazarika entered into an agreement with the informant for selling a plot of land, measuring 1 Katha 10 Lechas, covered by Kheraz Myadi Patta No. 65, Dag No. 57 of Sali class in Niz Gohpur, fixing the sell consideration at Rs. 6,00,000/-, and he paid the amount of Rs. 6,00,000/- to the accused and as per agreement, the said plot of land was to be transferred by 24.02.2018, by executing a registered sale deed. But, the accused failed to execute the registered sale deed, and thereafter, he informed the informant that he could not sell the said plot of land due to some inconvenience and on 01.07.2023, he promised to return the sell consideration of Rs. 6,00,000/- with interest by 30.08.2023, by executing a notarized agreement. But, he failed to keep the said promise and thereby cheated the informant.

4. Mr. Sahu, the learned counsel for the accused submits that the accused was arrested on 04.02.2024 and since then, he has been languishing in jail hazot for last 18 days and that the matter relates to document and the same might have been collected by the investigating agency, and that the accused is ready to cooperate with the investigating agency and therefore, it is contended to allow the application.

5. On the other hand, Ms. A. Begum, learned Addl. Public Prosecutor submits that she has not received the case diary, but, as per her instruction, the I.O. has completed investigation and laid charge-sheet, being charge-sheet No. 17/2024, dated 18.02.2024, under Sections 406/420 of the IPC, against the accused.

6. Since the charge-sheet has been submitted after completion of investigation, the question of hampering the investigation or tampering the witnesses does not arise and now the trial will start and the accused has to prepare his defence, besides, he has been languishing in jail hazot for last 18 days.

7. Having considered above, 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 SDJM(M), Gohpur, the accused be enlarged on bail.

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

JUDGE

Comparing Assistant