

GAHC010033432024



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

Case No. : Bail Appln./461/2024

NIRHANDRA THAOSEN
S/O LATE SONOTH THAOSEN
R/O HOUSE NO. 3, BYE LANE NO. 3,
LNB ROAD, HATIGAON, P.S. HATIGAON, DIST. KAMRUP (METRO), PIN-
781038, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M BORA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

29.02.2024

Heard Mr. A.M. Bora, learned Senior Counsel, assisted by Mr. V.A. Chowdhury, learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam.

This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Nirhandra Thaosen, who has been detained in connection with Crime Branch P.S. Case No. 09/2023 since 31.01.2024 (for last 30 days). He has been shown arrested in Crime Branch P.S. Case No. 09/2023, while he was in custody in connection with Geetanagar P.S. Case No. 309/2023, since 30.12.2023 (for last 62 days).

The gist of accusation in this case is that on 03.12.2023, one Chandan Das, Inspector of Police of Cyber Police had lodged an FIR before the Deputy Commissioner of the Police, Crime Branch, inter alia, alleging that during investigation of Crime Branch P.S. Case No. 12/2023, it came to the notice of the Investigating Officer that on the basis of fake Deed a fake mutation order was passed in Mutation File No. MET/DIS/2022-23/96042/OMUT and it was found that a big racket is involved in executing fake deeds in respect of vacant plots of land in the Guwahati City which also involves the officials of the Sub Registrar's Office of Guwahati and on the basis of fake land documents fake mutation orders are passed depriving the innocent original owners of the said land. Names of 9 numbers of accused persons were mentioned in the said FIR. However, the name of the present petitioner was not there in the said FIR.

The allegation against the present petitioner in this case is that during investigation of Crime Branch P.S. Case No. 09/2023, it was found that the present petitioner has certified a purported fake sale deed dated 31.12.2004 bearing Deed No. 10906.

Learned Senior Counsel for the petitioner has submitted that the petitioner, who was official arrested in connection with Geetanagar P.S. Case No. 309/2023 on 30.12.2023 has been behind the bars for last 62 days and today only, he has been granted bail in the said case by a co-ordinate bench of this

court.

It is also submitted by the learned Senior Counsel for the petitioner that the petitioner that apart from this case, 8(eight) other cases of similar nature were registered against the present petitioner and in all the other cases, the petitioner has been granted bail.

On the other hand, learned Additional Public Prosecutor has produced the case diary of Crime Branch P.S. Case No. 09/2023 and has submitted that the Investigating Officer of the said case thoroughly interrogated the petitioner on 1st February, 2024.

I have considered the submissions made by the learned counsel for both the sides and have gone through the materials available on record, including the case diary of Crime Branch P.S. Case No. 08/2023. It appears that the petitioner, who was also accused in other similar cases has already been granted bail in other cases and in the instant case also, his statement has already been recorded under Section 161 of the Code of Criminal Procedure, 1973 by the Investigating Officer and the investigation has fairly progressed.

Considering the fact that the present petitioner has been detained behind the bars in connection with this case for last 31 days (61 days in total), and also considering the progress made in the investigation, his further custodial detention does not appear to be necessary if he otherwise co-operates in the investigation.

In view of the above, the above named petitioner is hereby allowed to go on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M) subject to the conditions that:-

- (i) the petitioner shall not directly or indirectly make any inducement,

threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court; and

(ii) the petitioner shall co-operate in the investigation.

With the above observation, this bail application is hereby disposed of.

Send back the case diary.

JUDGE

Comparing Assistant