

GAHC010034812024



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

Case No. : Bail Appln./501/2024

SADOY KR DEKA
S/O BAIKUNTHA NATH DEKA
R/O H/NO. 23, BHASKAR NAGAR,
P.S. GEETANAGAR,
DIST. KAMRUP (M), ASSAM-781021, PH. 8473869284

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. B D KONWAR SR. ADV.

Advocate for the Respondent : PP, ASSAM

B E F O R E
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI
ORDER

26.02.2024

Heard Mr. B.D. Konwar, learned Senior Counsel assisted by Mr. J. Singh, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned Addl. P.P, Assam for the respondent.

- 2.** This is an application under Section 439 of CrPC 1973 for granting regular bail to the petitioner i.e. Sh. Sadoy Kr. Deka, who was shown arrested on 02.01.2024 in connection with Gorchuk P.S. Case No. 324/2023 registered under Sections 120(B)/467/468/447/427/379 of the Indian Penal Code, 1860.
- 3.** The case of the prosecution is that the land of the informant was mutated in the name of one Manik Das fraudulently without their being any entry in the Index Box in the office of the Sale Register.
- 4.** Mr. B.D. Konwar, learned counsel for the petitioner submits that the petitioner has been languishing in Jail since last 56 days and that he has not been interrogated since December.
- 5.** Mr. K.K. Parasar, learned Addl. PP on the other hand strongly opposes the prayer of bail. He submits that from the case diary the petitioner is the extra writer who had manipulated the record for which he had received an amount of Rs. 10,000/-
- 6.** I have considered the submission made at the bar and I have perused the materials available on record including the case diary.
- 7.** It appears that the statement of the petitioner has already been recorded under Section 161 CrPC.
- 8.** It further appears that the petitioner was interrogated last on 02.01.2024 i.e. the date on which he was arrested and since then he had not been interrogated.
- 9.** Considering the totality of the matter and that he has not been interrogated further and also the length of detention, this Court is inclined to grant bail to the petitioner.
- 10.** Accordingly, it is provided that the accused petitioner named above shall be released on bail in connection with Gorchuk P.S. Case No. 324/2023 with a bail bond

of Rs. 60,000/- (*Rupees sixty thousand*) only with one surety of the like amount to the satisfaction of the learned CJM, Kamrup (M), Guwahati subject to the following conditions:-

- i) The accused petitioner shall cooperate with the Investigating Officer as and when required;
- ii) The accused petitioner 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 Police Officer or the Court; and
- iii) The accused petitioner shall refrain from such activities with which he is alleged, failing which, the bail order shall stand cancelled.

11. Return the up-to-date case diary.

12. The bail application stands disposed of.

JUDGE

Comparing Assistant