

GAHC010035002024



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

Case No. : Bail Appln./486/2024

NIRHANDRA THAOSEN
SON OF LATE SONOTH THAOSEN RESIDENT OF HOUSE NO. 3, BYE LANE
NO. 3, LNB ROAD, HATIGAON, POLICE STATION - HATIGAON, DISTRICT
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 KAUSHIK GOSWAMI

ORDER

Date : 27-02-2024

Heard Mr. A.M. Bora, learned Senior Counsel assisted by Mr. V.A. Choudhury, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

2. This is an application under Section 439 of the Code of Criminal Procedure,

1973 (CrPC, in short) for release of the accused petitioner i.e. **Nirhandra Thaosen** on regular bail in connection with Crime Police Station Case No. 08/2023 registered under Sections 120B/420/468/471/409/447 of the Indian Penal Code, 1860 (IPC, in short).

3. The case of the prosecution, in brief, is that one Bhupen Kr. Das lodged an FIR before the Commissioner of Police, Guwahati on 28.11.2023, stating inter-alia, to the effect that he is the recorded pattader of a plot of land measuring 2 katha and 2 lechas covered by Dag No. 2445 of K.P. 1496 at Panjabari, Bagharbari Main Road, under village- Satgaon, Mouza- Beltola, District-Kamrup (Metro). According to him, he had inherited the said plot of land after the death of his mother Late Labanya Bala Das. It is alleged that one Jagyeswar Nath had managed to get the said plot of land mutated in his name by creating false and forged document with the help of the Lot Mandal of the concerned Revenue circle.

4. Mr. A.M. Bora, learned Senior Counsel appearing for the petitioner submits that the petitioner has been languishing in jail since last 30 (Thirty) days in connection with this case. He further submits that the allegation in respect of the petitioner who is the Sub-Registrar of the concerned Revenue Office is that he has certified the Sale Deed in question. He further submits that the advocate who had prepared the Sale Deed, which the petitioner certified, is already enlarged on bail.

5. Mr. D. Das, learned Additional Public Prosecutor on the other hand strongly opposes the prayer for bail. He further submits that there are incriminating materials available on record against the petitioner.

6. I have heard the submissions made at the bar and have perused the

materials available on record.

7. It appears from the Case Diary that the investigation has progressed substantially and the statements of witnesses have already been recorded. It further appears that the petitioner was interrogated immediately upon arrest i.e. on 31.01.2024 and since then he has not been interrogated.

8. Considering all aspects of the matter and that the petitioner has not been interrogated thereafter and keeping in mind the length of detention, the petitioner named above is allowed to go on bail in connection with the above noted case on furnishing a bail bond of *Rs.30,000/- (Rupees Thirty Thousand)* with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), Guwahati.

9. The bail granted to the petitioner shall be subject to the following conditions:

- i) The petitioner shall co-operate with the investigating officer as and when required;*
- ii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade such person from disclosing such facts to the Court or to any Police Officer;*
- iii) The petitioner shall not leave the territorial jurisdiction of the trial Court without prior permission till completion of the trial; and*
- iv) The petitioner shall refrain from such activities with which they are alleged, failing which, the bail order shall stand cancelled.*

10. With the above observation, this bail application stands allowed.

11. This disposes of the bail application.
12. Return the Case Diary.

JUDGE

Comparing Assistant