

GAHC010037282024



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

Case No. : Bail Appln./508/2024

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

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 MRS. JUSTICE MITALI THAKURIA
ORDER**

23.02.2024

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

This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner, who has been languishing in jail since 24.01.2024 in connection with Noonmati P.S. Case No. 147/2023, registered under Sections 447/467/468/471/506 of the Indian Penal Code.

It is submitted by the learned Senior counsel for the petitioner, Mr. Bora that the petitioner is a Deputy Registrar in the Revenue (Registration) Department. It is contended by the petitioner that being the Sub-Registrar his duty is only to put signature after verification of the sale deed. The alleged forged sale deed dated 23.03.2018 was executed in absence of the present petitioner in commission. Further, this Court, vide order dated 13.02.2024 also reveals that the I. O. has already collected FSL Report wherein, it is seen that the signature of the vendor was forged, and therefore, there is no scope for the petitioner to hamper or tamper with the evidences in connection with this case. He also submits that the petitioner being the Sub-Registrar was performing his duty and the same is protected under Section 86 of the Registration act, 1908. Further, the accused is behind the bar since 24.01.2024 and thus, he has been in custody for last 31 days and moreover, he was also in police remand for 4 days. The main beneficiary who alleged to have forged the sale deed has already released on bail by this Court, vide order dated 13.02.2024 in B.A. Case No.332/2024. Accordingly, he prays to allow the petitioner to go on bail by considering the length of detention and the principal of parity. He is still ready and willing to co-operate the further investigation of the case, if he is enlarged on bail.

On the other hand, Mr. Das, the learned Additional Public Prosecutor has submitted that considering the nature and gravity of the offence, the Case Diary is necessary at this stage to ascertain the facts of the case and accordingly, he raised objection in allowing the accused/petitioner to go on bail.

Considering the submissions of learned counsels for both sides and considering the length of detention already undergone by the accused/petitioner, i.e. 31 days as well as Police remand for 4 days, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioner in the custody and accordingly, further custodial interrogation of the accused/petitioner seems to be not necessary here in this case. Further from the order dated 13.04.2024, it is seen that the I. O. has collected sufficient documents apart from the FSL report during the investigation of the case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, the accused/petitioner, namely, Nirhandra Thaosen, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) that the 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 Court or to any police officer; and
- (iii) that the petitioner shall not leave the jurisdiction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, without prior permission.

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

JUDGE

Comparing Assistant