

GAHC010041402024



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

Case No. : Bail Appln./541/2024

KHARGESWAR DAS
S/O LATE BIDYA CHANDRA DAS,
RESIDENT OF NEAR AAONIATI SATRA, NORTH GUWAHATI MAJ GAON,
HOUSE NO 442, PS NORTH GUWAHATI, DIST KAMRUP M ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. N MAHAJAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 29-02-2024

Heard Mr. B. Mahajan, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

2. This is a second application under Section 439 of the Code of Criminal Procedure, 1973 (CrPC, in short) for granting bail to the accused petitioner i.e.

Khargeswar Das, who has been arrested on 09.12.2023 in connection with Geetanagar Police Station Case No. 309/2023 registered under Sections 120(B)/448/468/417/420/406/ 409 of the Indian Penal Code, 1860 (IPC, in short).

3. The facts of the case is that the informant's land was shown sold by committing forgery in the subject Registration Case, Mutation Case, Partition Case and Deed No. 400 by taking advantage of the informant's old age.

4. The earlier bail application on behalf of the petitioner was rejected by this Court on 30.01.2024, inter alia, on the ground that the investigation was at an active stage.

5. Mr. B. Mahajan, learned counsel for the petitioner submits that the petitioner was arrested on 09.12.2023 and has been languishing in jail since last 84 (Eighty Four) days.

6. Mr. D. Das, learned Additional Public Prosecutor submits that since the two prime accused in the case, i.e., Jayanta Dekha and Biswajit Kalita are still absconding, the bail prayer of the petitioner be not entertained.

7. I have heard the submissions made at the Bar and have perused the materials available on record.

8. Mr. D. Das, learned Additional Public Prosecutor has submitted before this Court that he has instruction to the effect that the petitioner was last interrogated while he was in police custody and since his transfer from police custody to judicial custody on 20.12.2023, no further interrogation has been done.

9. Considering that the petitioner has been not interrogated thereafter and also taking into account the length of detention, this Court is of the view that

further detention of the petitioner is not justified, if he otherwise cooperates in the investigation/trial.

10. For the aforesaid reasons, the petitioner namely **Khargeswar Das** shall be released on bail, in connection with the above noted case, on furnishing bail bond of Rs.50,000/- (Rupees Fifty Thousand) only with one surety of like amount to the satisfaction of learned Chief Judicial Magistrate, Kamrup (M), Guwahati subject to the following conditions that:-

- 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. The bail application stands disposed of.

JUDGE

Comparing Assistant