

GAHC010042712024



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

Case No. : Bail Appln./589/2024

SHRI LAKSHYA JYOTI DAS
SON OF LATE AKAN DAS, RESIDENT OF UNIQUE TOWERS, KHANAPARA,
GUWAHATI, POLICE STATION- DISPUR, DISTRICT- KAMRUP (M), ASSAM,
PIN- 781022

VERSUS

THE STATE OF ASSAM
REP BY PP ASSAM

Advocate for the Petitioner : MR. T DEURI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 07.03.2024

Heard Mr. K.N. Choudhury, learned Senior counsel assisted by Mr. T. Deuri, learned counsel for the accused and Mr. R.J. Baruah, learned Addl. Public Prosecutor for the State respondent.

2. This application, under Section 439 Cr.P.C. is preferred by the accused,

namely, Shri Lakshya Jyoti Das, who has been languishing in jail hazot in connection with Gorchuk P.S. Case No. 235/2022, under Sections 420/419/468/471 of the IPC, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Praneswar Dekamajhi on 27.07.2022. The essence of allegation made in the FIR dated 27.07.2022, is that the grandfather of the informant, namely, late Vatiram Deka (Lalung) has a plot of land measuring 4 bighas, 7 lechas, vide K.P. Patta No. 1135, Dag No. 731 at Revenue Village Betkuchi, Mouza Beltola. But, after the death of his grandfather, he came to know that one Pradip Kumar Sarmah furnished a fake and forged sale deed No. 2413/2020, serial No. 3243, dated 20.02.2020, for mutation of the aforementioned plot of land in his name.

4. Mr. Choudhury, the learned Senior counsel for the accused submits that the accused was shown arrested here in this case on 21.02.2024, and he was arrested in connection with two other cases on 01.02.2024, and in the said two cases, he has already been granted bail and in another case, he has been granted the privilege of pre-arrest bail, and that the accused was serving as a Circle Officer at Dispur Revenue Circle at the relevant point of time, and that his wife is pregnant and no one is there to look after her, and therefore, it is contended to allow the petition.

5. On the other hand, Mr. R.J. Baruah, learned Addl. Public Prosecutor has produced the case diary and submits that I.O. has collected sufficient incriminating materials against the accused and that the I.O. could not examine him as he has been languishing in jail hazot, and therefore, Mr. Baruah has opposed petition.

6. Having heard the submission of learned Advocates of both sides, I have

carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Baruah, learned Additional Public Prosecutor.

7. The case diary indicates that the I.O. has collected some materials in support of the allegation made in the FIR. It also appears from the case diary that the I.O. has achieved substantial progress in the investigation of the case, he has seized the relevant documents and also collected specimen handwriting of the accused person and forwarded the same to the FSL for examination. Further, it appears that the accused has been languishing in jail hazot since 21.02.2024, and he has already been granted bail in two other cases and anticipatory bail in another case. His wife is also in the familyway.

8. Having considered above, and also considering the stage of investigation, further custodial detention of the accused seems not to be warranted here in this case, and therefore, this Court is inclined to allow the petition. It is provided that on furnishing a bond of Rs. 50,000/-, with one surety of like amount, to the satisfaction of the learned CJM, Kamrup(M), the accused be enlarged on bail. This privilege is, however, subject to the condition that he shall appear before the I.O. as and when directed.

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

10. Case diary be returned. `

JUDGE

Comparing Assistant