

GAHC010042732024



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

Case No. : Bail Appln./565/2024

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 PP, ASSAM

Advocate for the Petitioner : MR. V A CHOWDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 29-02-2024

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 Garchuk Police Station Case No. 324/2023 registered under Sections 120(B)/467/468/447/427/379 of the Indian Penal Code, 1860 (IPC, in short) who is in custody since 20.02.2024.

3. The instant case has been registered on the basis of the FIR lodged by the informant on 29.11.2023 alleging land encroachment by some miscreants on 11.06.2023 and the petitioner who is one of the Sub-Registrar in the jurisdictional Revenue Circle was arrested by the concerned police officials in connection with the said incident for conniving with the other accused person for making mutation of the land.

4. Mr. A.M. Bora, learned Senior Counsel for the petitioner submits that main Sub-Registrar, who had issued the alleged forged Sale Deed, is already enlarged on bail by this Court by the order dated 03.01.2024. He further draws the attention of this Court to the fact that besides implication from other co-accused, there is no other material available against the petitioner on record.

5. Mr. D. Das, learned Additional Public Prosecutor on the other hand submits that the petitioner was interrogated while he was in police custody.

6. I have considered the submissions made at the bar and have perused the materials available on record.

7. It appears from the materials available on record that besides the statement of the co-accused there is no other incriminating materials collected against the petitioner at this stage. It further appears that the petitioner has already been interrogated. Considering the totality of the matter, this Court is of the opinion that further custodial detention of the petitioner is not justified, if he otherwise cooperates in the investigation/trial.

8. Accordingly, it is provided that the accused petitioner named above shall be released on bail in connection with the above-noted case 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 Chief Judicial Magistrate, 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.

9. The bail application stands disposed of.

JUDGE

Comparing Assistant