

GAHC010044272024



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

**Case No. : Bail Appln./620/2024**

SABEN DAS  
S/O KAMAKHYA DAS  
R/O DHOLAGAON  
P.S. BONGAIGAON  
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner** : MR S M ABDULLAH P

**Advocate for the Respondent** : PP, ASSAM

**BEFORE**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**Date : 14.03.2024**

Heard Ms. F. Hussain, learned counsel for the accused and Mr. R.J. Baruah, learned Addl. Public Prosecutor for the State respondent.

2. This petition, under Section 439 Cr.P.C. is preferred by the accused, namely, Saben Das, who has been languishing in jail hazot in connection with

Bongaigaon P.S. Case No. 559/2023, under Sections 120B/420/468/471 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 Saurav Kumar Das, Circle Officer of Bongaigaon Revenue Circle on 27.12.2023. The essence of allegation made in the FIR dated 27.12.2023 is that the accused Saben Das has submitted one forged affidavit for drawing compensation for acquiring a plot of land measuring 0 bigha 0 katha 8 lechas, bearing Dag No. 670, Patta No. 408, and the said plot of land, by the Government for construction of road under Asom Mala Project, fixing sale price at Rs. 2,90,304/-. Thereafter, four other persons visited the office of the informant on 15.12.2023 and submitted written statement that they did not sign on the affidavit and one of the signatory, namely, Rajendra Ch. Ray had already died. And also one Urmila Sarkar has submitted one forged affidavit for drawing compensation for acquiring a plot of land measuring 0 bigha 2 kathas 0 lecha, bearing Dag No. 310, Patta No. 3, of worth Rs. 32,13,895/-. But, it has been found that one of the signatories, namely, Satya Bala Sarkar had already suffered demise in the year 1999, and it has been revealed from a complaint given by one Nirmala Bala Ray that the misdeed was done by Jadupati Sarkar.

4. Ms. Hussain, the learned counsel for the accused submits that the accused was arrested on 28.01.2024 and since then, he has been languishing in jail hazot for last 46 days and that some of the co-accused have already been granted either pre-arrest bail or regular bail, and that the accused is ready to cooperate with the investigating agency 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 before this Court and apprised this Court that while causing arrest of the accused, Section 41A of the Cr.P.C. has been complied with by the I.O. and that the amount of compensation has not been deposited in the account of the present accused. But, Mr. Baruah submits that the I.O. has collected sufficient incriminating materials against the accused, and therefore, Mr. Baruah has opposed the 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. R.J. Baruah, learned Addl. Public Prosecutor.

7. It appears that the accused has been languishing in jail hazot for last 46 days and further, the case diary indicates that the I.O. has already achieved substantial progress in the investigation and also the amount of money i.e. Rs. 2,90,304/- has not yet been deposited in the account of the accused Saben Das.

8. Having considered above and also considering the period of detention, 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, Bongaigaon, the accused be enlarged on bail.

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

10. Case diary be returned.

**JUDGE**

**Comparing Assistant**