

GAHC010045252024



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

Case No. : Bail Appln./683/2024

NITUL CHANDRA DAS
SON OF LATE FATIK DAS , R/O BARIBARI, P.O. BARIBARI P.S- MUKALMUA,
DISTRICT- NALBARI, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PUBLIC PROSECUTOR, GOVT .OF ASSAM.

Advocate for the Petitioner : MR R CHETRY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

21.03.2024

Heard Mr. P. Sarma, learned counsel for the accused and Mr. P. Goswami, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused namely, **Nitul Chandra Das**, who have been languishing in jail hazot, in connection with the **Dispur P.S. Case No. 384/2022**, under Sections 341/447/427/34 of the IPC and added Sections 120(B)/468/423/471 of the IPC and added Section 409 of the IPC, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by one Debabrata Mahanta, on 17.02.2022. The essence of allegations made in the FIR is that he has a plot of land registered in the name of his father at Sawkuchi, Guwahati, bearing Dag No. 888 and Patta No. 191 and a road leading to the said plot of land has been closed by some unknown persons and taking that chance some unknown persons have filled up the said plot of land and trying to grab the same.

4. Mr. Sarma, learned counsel for the accused submits that the accused was shown arrested here in this case on 24.12.2023, and since then he has been languishing in jail hazot for last 89 days and that only 1 day is left to complete the mandatory period of detention. Mr. Sarma further submits that this is the second bail application preferred on the ground that the investigation in the meantime might have completed. Mr. Sarma also submits that the accused is ready to cooperate with the investigating agency and will appear before the IO as and when directed and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Goswami, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the material part of the investigation is almost over and there remains to collect FSL report only and as the FSL report is not available, it is very unlikely that the IO will be able to file the charge sheet against the accused, within the mandatory period of time.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

7. It appears that the accused was shown arrested here in this case on 24.12.2023, and since then he has been languishing in jail hazot for last 89 days

and that only 1 day is left to complete the mandatory period of detention. Further, it appears that the material part of the investigation is almost over and there remains to collect FSL report only.

8. Under the above mentioned facts and circumstances, this Court is inclined to allow this petition. And accordingly, it is provided that on furnishing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the learned **Chief Judicial Magistrate, Kamrup [M] at Guwahati**, the accused be enlarged on bail.

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

10. The case diary be returned.

JUDGE

Comparing Assistant