

GAHC010050752024



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

Case No. : Bail Appln./702/2024

PRADIP BHUYAN
S/O LT JAGANNATH BHUYAN, RESIDENT OF - HOUSE NO 2, AMBIKAGIRI
BYELANE-3, P.S- GEETANAGAR, DIST- KAMRUP (M), ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR .

Advocate for the Petitioner : MS N SULTANA

Advocate for the Respondent : PP, ASSAM

B E F O R E
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI
ORDER

19.03.2024

Heard Ms. S.K.Nargis, learned counsel for the petitioner. Also heard Mr. D. Das, learned APP for the State respondent.

This is an application under Section 439 of the CrPC, 1973 for grant of bail to the

accused petitioner namely, Mr. Pradip Bhuyan, who was shown arrested on 09.02.2024.

The case of the prosecution is that the petitioner begs to state that the informant Sabir Shah S/o Kaiser Shah, R/w Ward No. 3, Santipur, Golaghat, PS Golaghat, District Golaghat lodged an ejahar before the Officer in charge of Dispur Police Station on 11.01.2024 alleging *inter alia* that his wife purchased a plot of land measuring 1 Katha 10 Lechas covered by Dag No. 130, PP No. 78 of village Dwarandha, under Mouza-Beltola, District Kamrup (M), Assam near Rahman Hospital at VIP Road Sixmile Guwahati from Sri Prasanta Kumar Baruah vide Sale Deed No. 4277/2000 dated 21.06.2000 after obtaining permission from the concerned authorities. The said plot of land was mutated in the name of his wife and issued Kaccha Patta covered by Dag No. 78/361 PP No. 130/970 and a certificate was issued from the Settlement Officer Guwahati vide letter No. 50GR/2000/5956 dated 12/07/2000. The complainant and his wife possessed the said plot of land peacefully till 30.01.2021 since from the year 2000 and various development works had been carried out including construction of boundary by pucca wall and earth filling.

Upon receipt of the said ejahar, the Officer in charge of Dispur Police Station registered a case vide Dispur PS Case No. 42/2024 u/s 120(B)/420/468/471/409 of Indian Penal Code, 1860.

Ms. S.K. Nargis, learned counsel for the petitioner submits that the petitioner is totally innocent and has not committed any offence alleged and is no way involved in the alleged offence and he is not an FIR named person. She further submits that the petitioner has been languishing in Jail for the last 40 days.

Mr. D. Das, learned APP on the other hand strongly opposes the prayer for bail.

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

It appears from the materials available on record that the petitioner was last interrogated on 12.02.2024. It further appears that the investigation has substantially progressed.

Considering the length of detention, this Court is of the considered view that further detention of the petitioner is not justified. Accordingly, the petitioner named above is allowed to go on bail in connection with the above noted case with a bail bond of Rs. 50,000/- with one sure of like amount to the satisfaction of the CJM, Kamrup(M), subject to the following conditions:-

(i) That the petitioner shall co-operate with the investigation.

(ii) That the petitioner shall not, directly or indirectly made 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 Court or to any Police Officer; and

(iii) That the petitioner shall refrain from committing any similar offences in future of which he is accused or suspected of commission.

With the above observations and directions, the Bail Application stands disposed of.

JUDGE

Comparing Assistant