

GAHC010057372024



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

Case No. : Bail Appln./806/2024

MANASH CHALIHA
S/O LATE NANDESWAR CHALIHA
R/O VILL- JOGONIA GAON
P.O. GANAKPUKHURI, P.S. DHEKIAL
DIST. GOLAGHAT, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR G PHUKAN

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 02.04.2024

Heard Mr. G. Phukan, learned counsel for the petitioner. Also
heard Mr. B. Sharma, learned Additional Public Prosecutor for the
State.

This application under Section 439 of the Code of Criminal Procedure, 1973, has been filed by the petitioner, namely, Manash Chaliha, who has been detained behind the bars since 03.02.2024, in connection with the Dispur P.S. Case No. 1361/2022, under Section 420/406 of the Indian Penal Code.

This gist of the accusation in this case is that on 04.06.2022, one Pradip Kumar Medhi had lodged an FIR before the Officer In-charge of Dispur Police Station, inter alia, alleging that the petitioner has been indulging in fraudulent practices and has duped the informant of Rs.8,08,500/- (Rupees eight lakhs eight thousand and five hundred only) out of which the informant was able to recover Rs.1,45,000/- (Rupees one lakh forty five thousand only). However, the remaining amount could not be recovered.

It is also alleged that apart from the informant, the petitioner had also duped some other persons by resorting to Malpractices.

Learned counsel for the petitioner has submitted that the allegations leveled against the present petitioner in the FIR are not true has also submitted that otherwise also the petitioner has been detained behind the bars for the last 60(sixty) days and the maximum period of detention to which the petitioner can be subjected to under Section 167 of the Code of Criminal Procedure, 1973 is 60(sixty) days.

On the other hand, learned Additional Public Prosecutor has

produced the case diary of Dispur P.S. Case No. 1361/2022 and has submitted that though there are incriminating materials against the present petitioner, however, the petitioner has completed the statutory period of detention.

I have considered the submissions made by learned counsels for both the sides and perused the materials available on record, including the case diary of Dispur P.S. Case No. 1361/2022.

As the petitioner has completed the maximum period of detention, which may be authorized under Section 167 of the Code of Criminal Procedure, 1973, for an offence under Section 420/406 of the Indian Penal Code, the petitioner is allowed to go on bail on Rs.30,000/-(Rupees thirty thousand only) with one surety of like amount subject to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(Metro), with the following conditions:

(i) That the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court; and

(ii) That the petitioner shall co-operate in the investigation.

With the above observations, this bail application is hereby disposed of.

Send back the case diary.

JUDGE

Comparing Assistant