GAHC010058282024

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

Case No. : Bail Appln./826/2024

KAUSHIK TALUKDAR
SON OF LALIT CH. TALUKDAR, RESIDENT OF HOUSE NO 21, HENGRABARI, LICHUBAGAN,INDRAPUR, PS DISPUR, DISTRICT KAMRUP (M), ASSAM, PIN-781006

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP ASSAM

2:RAGHAB TALUKDAR
S/O LATE RAMESHWAR TALUKDAR R/O NARAYANPUR (MUKALMUA) P.S. MUKALMUA
DIST. NALBARI
ASSAM
PIN-78112

Advocate for the Petitioner : MR. T DEURI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 20-03-2024

Heard Mr. T. Deuri, learned counsel for the accused/petitioner. Also heard

Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State/respondent.

2. This is an application made under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioner, namely, Sri Kaushik Talukdar**,** in connection with **N.I. Act Case No. 34/2020,** registered under **Section 138 of Negotiable Instruments Act, 1881** and pending in the Court of learned Chief Judicial Magistrate, Nalbari.

3. Learned counsel for the accused/petitioner submits that the accused/petitioner has been in custody since last 62 days for offence under Section 138 N.I. Act. Learned counsel also admits that due to fault of the accused/petitioner, he has been detained in custody. However, now the accused/petitioner is ready to comply with the order of the trial court for payment of interim compensation and also ready to face the trial. It is also submitted that the accused/petitioner is the sole earning member of his family supporting his retired father and mother and considering the length of detention, the accused/petitioner may be enlarged on bail.

4. On the other hand, Mr. Gogoi, learned Additional Public Prosecutor for the State has submitted that though State is a formal party here, however, from background of the case, it reveals that as the accused/petitioner did not pay the interim compensation as per the order of the trial court, his bail prayer was rejected.

5. I have considered the submissions made by the learned counsel for the parties.

6. It is an admitted fact that W/A was issued to the petitioner as he failed to pay the interim compensation as per the order of the court. As the trial is going on in connection with a complaint case under Section 138 of N.I. Act, this court

is inclined to grant bail to the petitioner.

7. Accordingly, the accused/petitioner, Sri Kaushik Talukdar, shall be released on bail in connection with **N.I. Act Case No. 34/2020,** registered under **Section 138 of Negotiable Instruments Act, 1881,** on furnishing bail bond of **Rs.30,000/-** with **a suitable surety** of the like amount, to the satisfaction of learned CJM, Nalbari by imposing any condition(s) to procure his attendance during trial.

8. This bail application stands disposed of.

JUDGE

Comparing Assistant