

GAHC010071362024



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

Case No. : Bail Appln./1010/2024

DIP CHETIA
S/O LT. NAGEN CHETIA
R/O VILL- SANTANAPUR
P.O. LAHOTIYAL
P.S. BIHPURIA
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR A KHANIKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 24.04.2024

Heard Mr. A. Khanikar, learned counsel for the accused and Mr. P.S. Lahkar, learned Addl. Public Prosecutor for the State respondent.

2. This petition, under Section 439 Cr.P.C. is preferred by the accused,

namely, Dip Chetia, who has been languishing in jail hazot in connection with North Lakhimpur P.S. Case No. 64/2024, under Sections 120B/406/420/468/387 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 SI Dipankar Changmai of Khelmati P.S. on 15.03.2024. The essence of allegation made in the FIR dated 15.03.2024, is that accused Dip Chetia, Inamul Ali, Nasiruddin Ahmed are involved in conspiracy of selling one Bolero Camper 4WD PS car in Dimapur and thereafter, lodged a false case at Bihpuria P.S. manufacturing some forged documents and Dip Chetia has received a sum of Rs. 50,000/- from Inamul Ali under threat.

4. Mr. Khanikar, the learned counsel for the accused submits that the accused was arrested on 16.03.2024 and since then, he has been languishing in jail hazot for last 39 days. Mr. Khanikar further submits that the wife of the accused is suffering from liver cirrhosis and she has been admitted in Sanjeevani Diagnostic and Hospital, Dibrugarh and her condition is very serious and that she has been admitted in ICU and he has also one physically handicapped son and that doctor advised his wife to be treated outside Assam and that there is no other person except the accused in his house and therefore, it is contended to allow the petition on medical ground.

5. On the other hand, Mr. P.S. Lahkar, learned Addl. Public Prosecutor has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials against the accused and therefore, Mr. Lahkar 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. P.S. Lahkar, learned Addl.

Public Prosecutor.

7. The case diary indicates that the I.O. has collected sufficient incriminating materials against the accused. However, it appears from the documents placed before the Court by Mr. Khanikar that the wife of the accused is suffering from some serious ailments and she has been undergoing treatment in Sanjeevani Diagnostic and Hospital at Dibrugarh and there is none in his house to look after and take care of her.

8. Having considered above and further considering the period of detention as well as the nature and gravity of the offence, 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, North Lakhimpur, 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