

GAHC010075712024



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

Case No. : Bail Appln./1089/2024

DHRUBA JYOTI DOWARAH
S/O- NABA DOWARAH,
R/O- VILL- ROJAPUL , NAZIRA,
P.S- NAZIRA, DIST- SIVASAGAR, ASSAM, PIN-785685.

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR. M KALITA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

23.04.2024

Heard Mr. M. Kalita, learned counsel for the accused-petitioner and Mr. B.B. Gogoi, learned Additional Public Prosecutor for the respondent State of Assam.

2. By this application under Section 439, Code of Criminal Procedure, 1973 [CrPC], the accused-petitioner viz. Sri Dhurba Jyoti Dowarah has prayed for his release on bail in

connection with Tinsukia Police Station Case no. 92/2024 registered under Sections 120B/420/466/468/ 471/473/474, Indian Penal Code [IPC].

3. In the First Information Report [FIR] lodged by one UBC Digital Warrior, Tinsukia Police Station, it has inter alia been stated that on 12.01.2024, a request for police verification report in respect of one Ms. Jina Saikia was received. Such police verification report was sought on the ground that M/s Oil India Limited [OIL], Duliajan had issued an appointment order in her favour under the hand of its Chief General Manager [HR Acquisitions], OIL, Duliajan. Such application for police verification report was made through Assam Police Seva Setu online official portal. When an enquiry was conducted, the appointment order issued in the name of Ms. Jina Saikia was found to be a forged document as M/s OIL, Duliajan did not issue any such kind of appointment order. As the appointment order was found forged, the FIR was lodged.

4. In the course of investigation, the accused-petitioner was apprehended and was produced before the Court of Chief Judicial Magistrate, Tinsukia on 03.04.2023 and since then, the accused-petitioner is in custody.

5. The allegation against the accused-petitioner is that he might be a part of alleged racket, which is involved in issuance of fake appointment orders.

6. Mr. Kalita, learned counsel for the accused-petitioner has submitted that the accused-petitioner is not named in the FIR and he is not connected with the issuance of alleged forged appointment order. According to him, the accused-petitioner has been arrested merely on suspicion and the procedure prescribed in Section 41A, CrPC with regard to arrest was not followed in respect of the accused-petitioner.

7. Mr. Gogoi, learned Additional Public Prosecutor who has received the case diary, has submitted on the basis of the materials collected in the case diary during the course of investigation carried out so far, that Ms. Jina Saikia in her statement, has stated that she collected the appointment order form the accused-petitioner in exchange of a sum of Rs. 7,50,000/-.

8. I have heard the learned counsel for the parties and have also perused the materials available in the case diary.

9. The allegation against the accused-petitioner is that he was instrumental in issuance of the appointment order, shown to have been issued under the hand of an authority of OIL, Duliajan in favour of Ms. Jina Saikia.

10. Having considered the nature of the allegations made in the FIR wherein the accused-petitioner is not named and considering the period of detention of the accused-petitioner, this Court is of the considered view that further custodial detention of the accused-petitioner is not necessary for the purpose of carrying out further investigation of the case and his release on bail, at this stage of investigation, is unlikely to cause any adverse effect in the further investigation of the case, provided he continues to extend his assistance and co-operation in the further investigation of the case.

11. Accordingly, it is directed that the accused-petitioner shall be released on bail on furnishing a bail bond of Rs. 50,000/- with one local surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Tinsukia subject to the conditions that :-

[i] the accused-petitioner shall co-operate with the investigation and make himself available for interrogation whenever required by the Investigating Officer [I.O.] of the case;

[ii] the accused-petitioner shall not, directly or indirectly, make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

[iii] the accused-petitioner shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

[iv] the accused-petitioner shall maintain law and order and he shall not commit an offence similar to the offence of which he is accused, or of the commission of which he is suspected; and

[v] the accused-petitioner shall regularly remain present during the trial and co-operate the Court to complete the trial for the above offences, if charge sheeted in the case.

12. The bail application stands disposed of in the aforesaid terms.

JUDGE

Comparing Assistant