

GAHC010079582024



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

Case No. : Bail Appln./1198/2024

BINEET BARDHAN
SON OF CHANDAN BARDHAN,
R/O LAL GANESH,
B/L-03, H/NO. 02, ROLLING MILL P.S. FATASHIL AMBARI, GUWAHATI -34,
DIST. KAMRUP(M), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR D MEDHI

Advocate for the Respondent : REP. BY THE PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 30.04.2024

Heard Mr. K. Thakur, learned counsel for the accused and Mr. B. Sarma, learned Addl. Public Prosecutor for the State respondent.

2. This petition, under Section 439 Cr.P.C. is preferred by the accused, namely, Bineet Bardhan, who has been languishing in jail hazot in connection

with Basistha P.S. Case No. 205/2024, under Sections 420/468/471 of the IPC since 05.04.2024, 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 one Bittu Poddar on 29.03.2024. The essence of allegation made in the FIR dated 29.03.2024, is that one Bibek Mandal of Lalganesh has issued one fake EWS certificate to him and thereby cheated him and one racket is involved in issuance of such fake and fraudulent certificates.

4. Mr. Thakur, the learned counsel for the accused submits that the accused was shown arrested here in this case on 05.04.2024, and since then, he has been languishing in jail hazot for last 25 days and he was also arrested in connection with Fatasil Ambari P.S. Case No. 104/2024, under Sections 489B/489C, IPC, and that he is no way involved with the offence alleged in the present FIR and also he is ready to cooperate with the investigating agency, and therefore, it is contended to allow the petition.

5. On the other hand, Mr. B. Sarma, 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 some of the co-accused are yet to be arrested and therefore, Mr. Sarma 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. B. Sarma, learned Addl. Public Prosecutor.

7. It appears that the accused was shown arrested on 05.04.2024 and since then, he has been languishing in jail hazot for last 25 days. Prior to this, he was arrested in connection with Fatasil Ambari P.S. Case No. 104/2024 on

20.03.2024. The case diary indicates that the I.O. has collected some materials in support of the allegation made in the FIR. But, it also appears that the I.O. has achieved substantiate progress in the investigation of this case and in view of his detention for a period of 25 days in jail hazot, his further custodial detention, in the interest of investigation, seems to be not warranted here in this case and therefore, this Court is inclined to allow the petition.

8. Accordingly, 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, Kamrup(M), Guwahati, 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