

GAHC010088452024



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

Case No. : Bail Appln./1284/2024

ARABINDA RAJBONGSHI
S/O MANIK CH. RAJBONGSHI
R/O PASCHIM BORAGAON, DOWAPARA
P.S. GARCHUK
DIST. KAMRUP (METRO),
STATE- ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 10.05.2024

Heard Mr. S. Munir, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned Addl. P.P., Assam for the State respondent.

This is an application under Section 439 of the Cr.P.C. for granting bail to the accused/petitioner, namely, Arabinda Rajbongshi in Connection with Garchuk P.S. FIR

No. 107/2024 registered under Sections 120B/420/406/409/447/427/34 of the IPC.

The C.D. has been received.

I have perused the same.

Mr. S. Munir, the learned counsel for the petitioner has submitted that the petitioner is the owner of the land and a sale agreement was executed between the informant and the present petitioner. Subsequently the agreement was cancelled and the money was returned to the informant side. He further submitted that the matter is a civil nature and for that other proper forum is there to get proper relief in the present case. Mr. Munir further submits that the present accused petitioner has undergone prostate gland operation and a urine bag is attached for his urination and hence his further detention may cause infection. More so, further custodial interrogation custodial interrogation may not be necessary for further investigation. It is also submitted that the petitioner is ready and willing to cooperate with the investigation as and when required.

In this context Mr. K.K. Parasar, the learned Addl. P.P. has submitted that it is a fact that the present petitioner is the land owner who entered into an agreement for sale with the informant and with the co-accused Ibrahim. But, subsequently the said agreement was cancelled and he returned Rs. 20,00,000/- to the informant. In the meantime, he executed a power of attorney in favour of the wife of one co-accused. The case is still under investigation but, the Investigating Officer has already seized most of the relevant documents.

Considering the submissions made by the learned counsel for both the sides and the nature of allegation and also considering the materials available in the C.D. and also the health condition of the present petition, I find that further custodial interrogation may not be necessary for investigation.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of the like amount to the satisfaction of the learned

CJM, Kamrup (M) the petitioner, named above, be enlarged on bail, subject to the following conditions :

1. that the accused petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
2. that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer; and
3. that the petitioner shall make himself available for interrogation by the I.O. as and when required;

The bail application is disposed of.

JUDGE

Comparing Assistant