

GAHC010089172024



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

Case No. : Bail Appln./1276/2024

BIBEK MONDAL
S/O SRI KRISHNA MANDOL,
VILLAGE LALGANESH PS FATASIL AMBARI, DIST KAMRUP ASSAM 781034

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. K M HASSAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

08.05.2024

Heard Mr. J.A. Ahmed, learned counsel for the accused and Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused namely, **Sri Bibek Mandol**, who has been languishing in jail hazot, in connection with the **Basistha P.S. Case No. 205/2024**, under Sections 420/468/471 of the IPC, for granting bail.

3. It is to be noted here that the above noted case has been registered on

the basis of one FIR lodged by one Bittu Poddar, on 29.03.2024. The essence of allegations made in the FIR is that one Bibek Mandal of Lalganesh has issued one false EWS Certificate to the informant and thereby cheated him and a huge racket is found to be involved in issuance of fake/forged certificate.

4. Mr. Ahmed, learned counsel for the accused submits that the accused was arrested on 30.03.2024, and since then he has been languishing in jail hazot for last 40 days. Mr. Ahmed further submits that vide order dated 30.04.2024, this Court was pleased to grant bail to one of the co-accused namely, Bineet Bardhan in B.A. No. 1198/2024 and that the present accused also stands in the same footing. Mr. Ahmed also submits that the accused is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Gogoi, learned Additional 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, it is contended to dismiss the petition. However, Mr. Gogoi submits that the accused has thoroughly interrogated by the police.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

7. It appears that the accused was arrested on 30.03.2024, and since then he has been languishing in jail hazot for last 40 days. Further, it appears that the I.O. has collected some incriminating material in support of the allegation made in the FIR against the accused. It also appears that vide order dated 30.04.2024, this Court has granted bail to one of the co-accused namely, Bineet Bardhan in B.A. No. 1198/2024.

8. Having considered above and espicially the period of detention and balancing the same with the offence alleged in the FIR, this Court is of the view that further custodial detention of the accused seems to be not warranted in the interest of investigation.

9. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the learned **Chief Judicial Magistrate, Kamrup [M] at Guwahati**, the accused persons be enlarged on bail.

10. In terms of above, this bail application stands disposed of.

11. The case diary be returned.

Comparing Assistant

JUDGE