

GAHC010122952024



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

Case No. : Bail Appln./1773/2024

PHANINDRA KUMAR
S/O LATE TORONI CH. KUMAR
RESIDENT OF MALIGAON, BORIPARA, NEAR KAMAKHYA STATION, PS
JALUKBARI, DIST KAMRUP (M) ASSAM, GUWAHATI

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. N MAHAJAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

26.06.2024

1. Heard learned counsel Mr. B. Mahajan for the petitioner Phanindra Kumar.
2. This application has been filed under Section 439 of the Cr.PC with prayer for

bail as the petitioner is behind bars since 07.06.2024 in connection with Latasil P.S. Case No. 30/2024 under Sections 120(B)/420/465/467/468 of the IPC.

3. Heard Mr. D. P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.

4. The FIR unfolds that Sri Ajay Basfor, conjointly with Sri Manoj Basfor, induced the informant to provide his documents such as Aadhaar Card Pan Card, Voter ID. Passport Size Photograph etc. In this manner, other customers were also induced, who had provided their valuable documents to the miscreants. They were promised with loan of Rs. 1,20,000/- from various SBI Branch etc., such as Uzanbazar SBI Branch etc., but only an amount of Rs 50,000/- was received by the informant, whereas the remaining amount has been embezzled by the miscreants

5. I have considered the submissions at the Bar with circumspection

6. I have also scrutinized the Case Diary.

7. I have also considered the progress of investigation. It appears that custodial detention may not be required.

8. Considering all aspects and in view of my foregoing discussions, petition is

allowed. The petitioner is enlarged on bail of Rs 30.000/-, with one surety of like amount to the satisfaction of the learned CJM, Kamrup (Metro), under the conditions that

- (i) the petitioner shall refrain from such activities with which he is alleged,
- (ii) the petitioner shall co-operate with the investigation, and
- (iii) the petitioner shall not leave the jurisdiction of the Court, without prior permission

9. On breach of any of the bail conditions, bail order shall stand cancelled

10. Bail Application stands disposed of

11. Send back the Case Diary

JUDGE

Comparing Assistant