

GAHC010124422024



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

Case No. : Bail Appln./1813/2024

GOPAL MANDAL
S/O LATE CHANDRADEEP MANDAL
R/O SATGAON PUBERUN NAGAR,
HOUSE NO. 95, P.S. SATGAON
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S RANA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

15.07.2024

Heard Mr. S. Rana, learned counsel for the petitioner. Also heard Mr. K. Baishya, learned Additional Public Prosecutor for the State respondent.

This application filed under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner, who has been languishing in jail hazot since 09.06.2024 in connection with Satgaon P.S. Case No.90/2024, registered under Sections 120(B)/406/419/420/448/384/506 of IPC.

The Case Diary has been received and I have perused the same.

It is submitted by Mr. Hussain, learned counsel for the petitioner that the accused/petitioner is innocent and he has not committed any such offence as alleged in the FIR. It is contended by the petitioner that the informant along with his wife and son have been residing at his house as a tenants. The informant has been running business of money lending in that locality and thus, for some personal inconvenience the petitioner took loan amounting to Rs.5,00,000/- (Rupees Five lakhs) only and at the time of taking loan they took petitioner's signature on some blank papers including non-judicial stamp paper. But, after some days, the petitioner came to know that by using the signed blank papers and stamp paper, the informant had made a kachcha agreement for sale of half portion of the petitioner's own residential land and have been trying to take possession of the said land. Though, the petitioner asked them to vacate the house, but, they are not vacating it and trying to take forceful

possession over the plot of land on the strength of kachcha agreement made with forged signature of the petitioner herein. In this regard, the petitioner has lodged the FIR dated 08.06.2024 at Satgaon Police Station which was registered Satgaon P.S. Case No.91/2024 under Sections 120(B)/406/420/468 of IPC and accordingly, the informant was arrested on 10.06.2024. During the investigation, it is found that the informant forged the signature of the present petitioner to grab his land. He further submitted that the matter has been settled amicably between the parties and the petitioner had paid Rs.7,00,000/- (Rupees Seven lakhs) only to the informant/tenant on 01.06.2024 to which a money receipt is also issued under the signature of informant's wife Gayatri Devi. More so, the accused/petitioner is behind the bar for last 36 days and accordingly, considering the length of detention undergone by the accused/petitioner, he may be enlarged on bail as the I.O. has got sufficient time for his custodial interrogation.

On the other hand, Mr. Baishya, learned Additional Public Prosecutor has submitted that, from the materials available in the Case Diary, it is seen that there was monetary transaction between the parties and also the informant along with his family members used to reside in petitioner's house as a tenants, but, he misappropriated the money in the name of selling the land to the informant.

Considering the submissions made by the learned counsels for both sides as well as considering the materials available in the Case Diary and also considering the length of detention already undergone by the accused/petitioner and the compromise deed dated 25.05.2024, I am of the view that the I.O. has got ample opportunity to interrogate the accused/ petitioner keeping him in the

custody and accordingly, further custodial interrogation of the accused/petitioner seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati, the accused/petitioner, namely Gopal Mandal, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) 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
- (iii) that the petitioner shall not leave the jurisdiction of the Chief Judicial Magistrate, Kamrup (M), Guwahati, without prior permission.

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

JUDGE

Comparing Assistant