

GAHC010125082024



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

Case No. : Bail Appln./1807/2024

DIP JYOTI DAS
S/O PADMA RAM DAS
R/O VILL- SANPARA
P.O. JHARUBARI, P.S. PALASHBARI
DIST. KAMRUP (RURAL), ASSAM
PIN-781122

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S C DAS, D R BONGSHIARY,MR. C. SHIL,P BURAGOHAIN

Advocate for the Respondent : PP, ASSAM, MR A J GHOSH,MR. A R SHOME

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 09-08-2024

Heard Mr. S.C. Das, learned counsel for the petitioner Sri Dip Jyoti Das, who has filed this application under Section 439 of the Code of Criminal Procedure, 1973 (CrPC for short) with prayer for bail as he is behind bars since

09.06.2024 in connection Noonmati Police Station Case No. 64/2024 under Section 406/420/468/471 of the Indian Penal Code, 1860 (IPC for short).

2. Heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State. Heard Mr. A.R. Some, who is present on behalf of the informant.

3. The allegation against the petitioner is that he has induced the victim to part with more than Rs.1 Crore. It is submitted on behalf of the petitioner that there is a dispute relating to some amount of money misappropriated by the petitioner.

4. It is also further submitted on behalf of the petitioner that he is willing to repay the money after a discussion with the informant.

5. I have also considered the submission that the statutory period as under Section 167(2) of the CrPC has elapsed.

6. Considering all aspects and considering the length of detention, petition is allowed. The petitioner is enlarged on bail on furnishing a bail bond of *Rs.50,000/- (Rupees Fifty Thousand)* with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M) under the conditions that:

(i) The petitioner shall refrain from such activities with which he is alleged.

(ii) The petitioner shall not exercise threats to the witnesses and tamper the evidence.

(iii) The petitioner shall cooperate with the investigation.

(iv) The petitioner shall not leave the jurisdiction of the jurisdictional Court without prior permission.

7. On breach of any of the bail conditions, bail order shall stand automatically cancelled.
8. In terms of the above observations, this Bail Application stands disposed of.
9. Send back the Case Diary.

JUDGE

Comparing Assistant