

GAHC010127272024



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

Case No. : Bail Appln./1844/2024

PHANINDRA KUMAR
S/O LATE TORONI CH. KUMAR
R/O MALIGAON, BORIPARA,
NEAR KAMAKHYA STATION,
P.S. JALUKBARI, GUWAHATI, DIST. KAMRUP (METRO), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A CHAUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 28.06.2024

Heard Mr. A Choudhury, learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State.

This application under section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely Sri Phanindra Kumar, who has been shown as arrested on 16.06.2024 in connection with Jalukbari P.S. Case No. 99/ 2024 under

Sections 406/ 420/ 506/ 34 of the Indian Penal Code. Before that, he was also arrested in connection with Latasil P.S. Case No. 30/2024 on 07.06.2024.

The Jalukbari P.S. Case No. 99/2024 was registered on the basis of an F.I.R. logged by one Raju Deka, before the Officer-in-Charge of Jalukbari Police Station *inter alia* alleging that one Sri Manoj Basfore had withdrawn a sum of Rs. 10,00,000/- from his bank account without his consent. The learned counsel for the petitioner has submitted that in no way, the present petitioner is involved with the offence alleged in the F.I.R. and he has also not named in the F.I.R. It is submitted by the learned counsel for the petitioner that the petitioner was arrested only because he was detained in the same case of Latasil P.S. Case No. 30/2024.

It is also submitted by the learned counsel for the petitioner that the petitioner was enlarged on bail in connection with Latasil P.S. Case No. 30/2024 by a coordinate Bench of this Court on 26.06.2024 passed in B.A. No. 1773/2024. The learned counsel for the petitioner has submitted that in the instant case, he has been behind the bar for last 14 (fourteen) days as he is not involved in any manner in the offence alleged in the instant case and he may be allowed to go on bail.

On the other hand, learned Public Prosecutor has produced the case diary of Jalukbari P.S. Case No. 99/2024 and has submitted from the case diary that incriminating materials are there against Manoj Basfore and one Ramjan Ali and nothing is available against the present petitioner.

I have considered the submissions of the learned counsel for both the parties and perused the materials available on record including the case diary of Jalukbari P.S. Case No. 99/2024. It appears from the case diary that the petitioner was also taken on police remand for 2 (two) days by the investigating Officer. However, on perusal of the case diary, it appears that the allegation made by the informant namely Raju Deka in his FIR dated 26.02.2024, nothing incriminating material is available against the present petitioner as on date.

Hence, considering the entire aspect of the matter as well as the period of

detention already undergone by the petitioner, the petitioner, namely, Sri Phanindra Kumar is allowed to go on bail of Rs. 30,000/- (Rupees thirty thousand only) with one surety of like amount subject to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (Metro), Guwahati with the following conditions:

- (i) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case, so as to dissuade such person from disclosing such facts of the case before the Investigating Officer.
- (ii) That the petitioner shall co-operate in the investigation.

With the above observation, this bail application is accordingly disposed of.
Return back the case diary.

JUDGE

Comparing Assistant