

GAHC010130112024



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

Case No. : Bail Appln./1872/2024

BIRAJ KUMAR DAS
S/O PARAMANANDA DAS
R/O VILL- MAHAJANPARA
P.O.MAHAJANPARA
P.S. BAIHATA CHARIALI,
DIST. KAMRUP (R), ASSAM
PRESENTLY RESIDING AT PANDU LOCO COLONY, P.S. JALUKBARI,
GUWAHATI.

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A SAIKIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 25-07-2024

1. Heard Mr. N.K. Das, learned counsel for the petitioner Biraj Kumar Das, who has filed this application under Section 439 of the Code of Criminal

Procedure, 1973 with prayer for bail as he is behind bars since 05.06.2024 in connection with Latasil Police Station Case No. 30/2024 under Sections 120(B)/420/465/467/468 of the Indian Penal Code, 1860.

2. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

3. 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 was embezzled by the miscreants.

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

5. Learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary against the present petitioner.

6. I have perused the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner. I have also considered the progress of the investigation. The merits of the case are not brought to the fore.

7. It appears that custodial detention may not be required for further progress of investigation.

8. The petitioner has pledged to co-operate with the investigation and abide by any stringent bail conditions, if imposed upon him. The petitioner is a local resident and not a flight risk.

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

10. The petitioner is enlarged on bail of Rs.30,000/- (Rs. Thirty 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 co-operate with the investigation,
- (ii) The petitioner shall refrain from such activities with which he is alleged,
- (iii) The petitioner shall not leave the jurisdiction of the Court without prior permission.

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

12. In terms of the above observations, this Bail Application stands disposed of.

13. Send back the Case Diary.

JUDGE

Comparing Assistant