

GAHC010137702024



2024:GAU-AS:12116

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

Case No. : AB/1809/2024

RANJIT DAS
S/O MOHAN CHANDRA DAS, R/O CHANDMARI ROAD, NEAR RAIL GATE,
BISHNU NAGAR, MAJARATI NAGAON MAJARATI, DIST - NAGAON,
ASSAM, PIN-782002

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR A SHARMA, MR I AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

02-12-2024

Heard Mr. A Sharma, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State.

2. By this application under Section 482 of the BNSS, 2023, the petitioner, namely, **Ranjit Das**, son of Mohan Chandra Das, resident of Chandmari Road, Bishnu Nagar, Majarati Nagaon, P.S.-Lanka, District-Nagaon, apprehending his arrest, is seeking pre-arrest bail in

Lanka Police Station Case No. 74/2024 registered under Sections 120(B)/420/468/471 of IPC, corresponding to G.R. No. 943/2024.

3. The Court by order dated 18.07.2024 while calling for the case diary, granted interim bail to the petitioner in said Lanka Police Station Case No. 74/2024, which is in force till date. Pursuant to such interim bail, petitioner has also appeared before the concerned I.O. of the case.

4. As per the FIR of the case dated 29.02.2024 lodged by the District Commandant, Home Guards, Nagaon before the Officer-in-Charge of Hojai Police Station the case is that while scrutinizing the certificates of Home Guard Volunteers, the certificates of the FIR named Home Guards were found to be fake and duplicate and they on the basis of such fake and duplicate certificates have been deployed under Police Reserve and other Agencies. As such, by the said written FIR the District Commandant, HG, Nagaon requested the authorities concerned to take necessary action against the fake Home Guards.

5. The said FIR of the District Commandant, HG, Nagaon dated 29.02.2024 was accordingly registered as Lanka Police Station Case No. 74/2024 under Sections 120(B)/420/468/471 of IPC.

6. The petitioner who is also a Home Guard and the President of the Home Guard Association and not an FIR named Home Guard submitted that he is not the Home Guard named in the FIR at Sl. No. 37, though named Ranjit Das and the said person named at Sl. No. 37 of the FIR is a different person.

7. It is also submitted by him that he is innocent and not involved in the case and also did not submit any forged documents so secure his appointment as Home Guard. Petitioner further submitted that he will abide by any terms and conditions that may be imposed upon him while granting him bail in said Lanka Police Station Case No. 74/2024 and further submitted that he shall cooperate with the investigation of the said case.

8. Considering such submission, petitioner was granted interim bail on 18.07.2024 in said Lanka Police Station Case No. 74/2024. Pursuant to which he appeared before the I.O. of the case.

9. Mr. B Sarma, learned APP, Assam placed the up-to-date case diary and also placed the

note of the I.O. of the case.

10. From the case diary it is seen that the FIR named Home Guards submitted before the concerned I.O. of the case that they paid Rs. 20,000/- up to Rs. 1,00,000/- to one Gopal Chandra Nath for their appointments as Home Guard personnel, who in turn used to pay said money to the petitioner who was having very good connection with the Home Guard Office and who manages the personnel of the said HG Office. Whenever they want to visit the HG office for their appointment, the petitioner always used to obstruct them asking them that for their appointment they need not visit the office of the Home Guard. By chance, if any of them would manage to go to the office to enquire about their appointment, personnel from the HG office used to ask them to meet the petitioner and to talk with him in that regard. All the FIR named Home Guards admitted the same facts and they also submitted that they have never gone through any training. Some of the FIR named Home Guards indicated that the petitioner called few of them for one day refresher training and thereafter it is the petitioner who managed the basic training certificates in their name. Only after lodging the said FIR and during the investigation process, they could come to know that the petitioner prepared those certificates from a computer shop owner from Nagaon.

11. Case diary also reveals that for each of the FIR named Home Guards, Command Certificates were issued every day by the Assam Home Guard Office and for that some of the employees of the office used to take money from them. Moreover, the FIR named accused persons only during the investigation could come to know that their appointments as Home Guard Volunteers are fake and forged.

12. In the note of the I.O. of the case in the case diary it is clearly indicated that the petitioner though appeared before the concerned I.O. of the case after obtaining interim bail on 18.07.2024, but he denied his acquaintance with all the persons and did not cooperate with the investigation of the case and also willfully did not answer the queries properly when being made by the I.O. of the case and stayed away from the investigation of the case. As such, the I.O. of the case indicated that interim pre-arrest bail of the petitioner in said Lanka Police Station Case No. 74/2024 should be rejected.

13. Finding sufficient incriminating materials in the case diary regarding the involvement of

the petitioner in the alleged crime and considering the note of the investigation officer of the case, the interim bail of the petitioner, namely, **Ranjit Das**, son of Mohan Chandra Das, in said Lanka Police Station Case No. 74/2024 stands rejected.

14. Interim bail granted to the petitioner earlier on 18.07.2024 in said Lanka Police Station Case No. 74/2024 hereby stands vacated/recalled.

15. Return the case diary herewith.

JUDGE

Comparing Assistant