

GAHC010138702024



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

Case No. : Bail Appln./2028/2024

SIMAN BORO
S/O BIREN BORO, R/O NOWAGAON, P.S.-GARCHUK, DIST- KAMRUP,
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR F HAQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

24.07.2024

1. Heard Mr. F. Haque, learned counsel for the petitioner and also heard Mr. K. Baishya, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application under Section 483 of the Bharatiya Nagarik Suraksha

Sanhita, 2023 has been filed by the petitioner, namely, Siman Boro, who has been detained behind the bars since 09.06.2024 (for last 45 days) in connection with Garchuk P.S. Case No. 325/2023, corresponding to G.R. No. 8890/2023 registered under Section 120(B)/467/468/447 of the Indian Penal Code.

3. The gist of accusation in this case is that on 01.12.2023, one Sudipta Goswami, had lodged an FIR before the Officer-In-Charge of Garchuk Police Station, *inter alia*, alleging that some miscreants have illegally entered into the landed property of the informant and forcefully dispossessed him.

4. It is also alleged in the FIR that three accused persons including the present petitioner have been specially named in the FIR, to have produced fake documents regarding the land rights.

5. It is alleged that the petitioner along with other co-accused tried to illegally grab the land belonging to the informant.

6. The learned counsel for the petitioner has submitted that the petitioner is a mason by profession and the allegations levelled against him in the FIR are not true.

7. It is also submitted by the learned counsel for the petitioner that the petitioner has been detained behind the bars for last 45 days and considering the length of detention already undergone, he may be allowed to go on bail and he is ready to co-operate with the Investigating Officer.

8. On the other hand, learned Additional Public Prosecutor has produced the case diary of Garchuk P.S. Case No. 325/2023 and has submitted that there are incriminating materials against the present petitioner in the case diary, involving the statement of the co-accused, wherein, the co-accused has implicated the present petitioner.

9. I have considered the submissions made by the learned counsel for

both the sides and have perused the materials available on record, including the case diary of Garchuk P.S. Case No. 325/2023. Though there are some incriminating materials against the present petitioner in the case diary, however, considering the progress made in the investigation as well as considering the period of detention already undergone by the petitioner, this Court is of considered opinion that his further custodial detention may not be necessary for fair completion of the investigation of Garchuk P.S. Case No. 325/2023, if he co-operates in the investigation.

10. In view of above, the above-named petitioner, is hereby allowed to go on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M) with following conditions:-

- (i) the petitioner shall appear before the Investigating Officer every week for next two weeks or till the investigation is completed, whichever is earlier;
- (ii) the petitioner shall co-operate in the investigation; and
- (iii) the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court.

11. With the above observations, this bail application is hereby disposed of.

12. Send back the case diary.

JUDGE

Comparing Assistant