

GAHC010138912024



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

Case No. : Bail Appln./2035/2024

RAMJAN ALI
S/O LATE ABDUL RASHID, R/O VILL- HATIMURIA, P.S.-MOIRABARI, DIST-
MORIGAON, ASSAM AND PRESENT ADD AT KALAPANI, HEOJ NAGAR, P.S.-
JALUKBARI, DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR M A ISLAM, MR J I MONDAL

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

31.07.2024

- 1.** Heard Mr. M.A. Islam, learned counsel for the petitioner. Also heard Mr. K. Baishya, learned Additional Public Prosecutor appearing for the State of Assam.
- 2.** This application under Section 483 of the BNSS, 2023 has

been filed by the petitioner, namely, Ramjan Ali, who has been detained behind the bars since 06.06.2024 (for last 54 days).

3. It is submitted by the learned counsel for the petitioner that he has been shown arrested in connection with Jalukbari P.S. Case No. 99/2024 on 15.06.2024 and since then already 45 days has lapsed.

4. The gist of accusation in this case is that, on 26.02.2024, one Sri Raju Deka, had lodged an FIR before the Officer-In-Charge of Jalukbari Police Station, *inter alia*, alleging that the informant, who had an account in the State Bank of India was given assurance by the present petitioner and one Manoj Basfor of giving a loan of Rs. 10 lakhs.

5. The informant accordingly transferred his State Bank of India account to Punjab National Bank and the said bank sanctioned a loan of Rs. 10 lakhs to the informant.

6. However, it is alleged that the present petitioner, along with co-accused Manoj Basfor withdrew the said amount after taking the signatures on a cheque from the informant by conspiring to defraud the informant.

7. The learned counsel for the petitioner has submitted that the petitioner has been detained behind the bars for last 54 days in connection with Latasil P.S. Case No. 30/2024 and he has also been detained behind the bars in connection with Jalukbari P.S. Case No. 99/2024 for last 45 days.

8. It is submitted by the learned counsel for the petitioner that in the meanwhile, the co-accused, namely, Manoj Basfor and Phanindra Kumar have already been granted bail by this Court.

9. The learned counsel for the petitioner has submitted that considering the period of detention already undergone by the petitioner, he may be allowed to go on bail and the petitioner is ready to co-operate in the investigation.

10. On the other hand, the learned Additional Public Prosecutor has produced the case diary of Jalukbari P.S. Case No. 99/2024 and has submitted that there is incriminating material against the present petitioner in the case diary. However, he also submits that the investigation has fairly progressed in the meanwhile.

11. I have considered the submissions made by the learned counsel for both the sides and have perused the materials on record, including the case diary of Jalukbari P.S. Case No. 99/2024. It appears from record that the petitioner has already been detained behind the bars in this case for last 45 days and two of the co-accused are already released on bail. It also appears that the investigation has fairly progressed.

12. Considering the progress in the investigation as well as period of detention already undergone by the above-named petitioner, his further custodial detention does not appear to be necessary for fair completion of the investigation of Jalukbari P.S. Case No. 99/2024.

13. 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 co-operate in the investigation; and

(ii) 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.

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

15. Send back the case diary.

JUDGE

Comparing Assistant