

GAHC010141712024



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

Case No. : Bail Appln./2085/2024

ASHISH SAHA
S/O ANANTA KR. SAHA, R/O VILL- JHARPARA PT-II, P.S.-ABHAYAPURI,
DIST- BONGAIGAON (ASSAM)

VERSUS

STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. B HALDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

22.07.2024

1. Heard learned counsel Mr. B. Haldar for the petitioner Ashish Saha.
2. This application has been filed by the petitioner under Section 483 of the BNSS with prayer for bail as he is behind bars since 09.07.2024 in connection with Abhayapuri P.S. Case No. 168/2024 under Sections 417/493/315 of the IPC.

3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.
4. The learned Additional Public Prosecutor has raised objections.
5. I have considered the submissions at the Bar with circumspection.
6. It is admitted by the learned counsel for the petitioner that the petitioner had a relationship with the informant but a false case has been slammed against the petitioner with allegations of cheating. The petitioner was a consenting party and the petitioner has not committed any offence under Section 315 of the IPC.
7. I have also considered the submission that the petitioner has pledged to co-operate with the remaining part of the investigation.
8. It appears that further custodial detention may not be required for progress of the investigation.
9. The petitioner is a local resident and is not a flight risk.
10. Considering all aspects and in view of my foregoing discussions, Petition is allowed. The petitioner is enlarged on bail of Rs 50,000/- (Rupees fifty thousand), with a suitable surety of like amount to the satisfaction of the learned SDJM, (M), North Salmara, Abhyapuri under the condition that:
 - (i) 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 automatically cancelled.

JUDGE

Comparing Assistant