

GAHC010142132024



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

Case No. : Bail Appln./2098/2024

JAGWESWAR NATH @ JAGYESWAR NATH
S/O LATE SOBHARAM NATH, R/O KARENG NIWAS, H/NO.-05A, 5TH FLOOR,
P.S.-NOONMATI, DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. U K BARMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 22-07-2024

Heard Mr. H. Ali, learned counsel for the petitioner Shri Jagweswar Nath @ Jagyeswar Nath, who has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 06.07.2024 in connection with Noonmati Police Station case No.

143/2024 under Sections 140/351 of the Bharatiya Nyaya Sanhita, 2023.

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

3. The FIR unfolds that when the informant Bikash Talukdar was not at home the petitioner Jageswar Nath @ Jagyeswar Nath kidnapped his mother Smt. Hemprabha Talukdar and the petitioner took away several household articles and confined the victim in an unknown location. Somehow the victim was rescued. The victim informed that she was intimidated and threatened with severe consequences.

4. It is submitted that the petitioner's wife had purchased a flat and Annexure-C is the Deed of Sale of the flat. Both the petitioner and his wife were searching for a prospective purchaser of the flat in 'Kareng Niwas' and the informant's mother communicated with the petitioner's wife and paid an advance for purchasing the flat. After a few days of handing over the flat, the petitioner and his wife demanded the remaining amount of the transaction but a false case was slammed against the petitioner. Now, the informant and his mother are evading payment of consideration of the flat.

5. The learned Additional Public Prosecutor has raised objection.

6. I have considered the submissions at the bar with circumspection. I have perused the FIR (Annexure-D) addressed to the Commissioner of Police, Panbazar, Guwahati. The FIR has not been registered and was lodged on 06.07.2024 i.e. one day after the present FIR was lodged against the petitioner. However, I have considered the submission that the petitioner is willing to cooperate with the remaining part of the investigation and to abide by any stringent bail conditions if imposed upon him.

7. Considering all aspects and in view of my foregoing discussions, petition is allowed. The petitioner is enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees 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 not exercise threats to the complainant and the witnesses and maintain the peace.

(ii) The petitioner shall not leave the jurisdiction of the Court without prior permission.

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

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

JUDGE

Comparing Assistant