

GAHC010142742024



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

Case No. : Bail Appln./2138/2024

SMT. KAMALA RANI DHAKA
D/O LATE SULTAN RAM DHAKA, R/O BALIGURI, NEAR CRPF CAMP,
BHANDARI, P.S.-BHANDARI, DIST- WOKHA (NAGALAND)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. K BORUAH, MR. M ALAM
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

13.08.2024

Heard Mr. K. Boruah, learned counsel for the petitioner and Mr. D. P. Goswami, learned Additional Public Prosecutor, Assam.

By filing this petition under Section 439 of the Cr.P.C and under Section 483 of BNSS, the accused-petitioner, namely, **Smt. Kamala Rani Dhaka**, has prayed for grant of bail in connection with **Merapani P.S. Case No.28/2024** under Sections **387 of IPC 1860 read with Section 17/18 of Unlawful Activities (Prevention) Act.**

As per FIR, the allegation against the petitioner is that the accused petitioner with the help of NSCN(IM) has detained two vehicles of the informant and demanded Rs.22,00,000/- from the informant.

It is submitted by the learned counsel for the petitioner that the informant is not the owner of the vehicle as stated in the FIR. Both the vehicles have already been recovered and given zimma to their respective owners. It is also submitted that the petitioner and the informant are dealing with their respective business and having monetary transaction with each other and there was due of Rs.22,00,000/- by the informant towards petitioner and for recovery of such amount, a false FIR has been lodged against the petitioner. It is also submitted that the petitioner has been detained in judicial custody for last 35 days since his arrest on 09.07.2024. Considering the length of detention, prayer for bail may be considered.

Mr. D. P. Goswami, learned Additional Public Prosecutor has produced the case diary and submitted that as per case diary, the petitioner is the owner of S. R. Hardware and electrical located at Merapani and the informant is the owner of M/S Paban Hardware and both of them have monetary transaction in relation to their respective business. Learned Additional Public Prosecutor further submitted that for recovery of such Rs.22,00,000/-, this FIR has been lodged. It is further submitted that considering the length of detention, bail may be granted to the petitioner.

In view of the submission of learned counsel for both the parties and considering the length of detention, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary in the interest of investigation of the case.

Accordingly, the petitioner, named above, shall be released on bail, on furnishing bail bond of **Rs.50,000/-** with **one suitable surety** of the like amount, to the satisfaction of learned **Sub-Divisional Judicial Magistrate (S) , Golaghat.**

The direction for bail is further subject to the conditions that the petitioner:

(a) shall not leave the territorial jurisdiction of learned Sub-Divisional Judicial Magistrate (S), Golaghat without prior written permission from him/her;

(b) shall not hamper with the investigation, or tamper with the evidence of the case;

(c) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer.

In terms of the above, this bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant