

GAHC010144322024



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

**Case No. : Bail Appln./2118/2024**

KAMAL NAYAN DEKA  
S/O BANI KANTA DEKA, R/O BELSOR, VORVITA, P.S.-BELSOR, DIST-  
NALBARI (ASSAM)-781304

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner** : MR. R SARMA, A H CHOUDHURY

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**  
**HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

**ORDER**

**Date : 09-08-2024**

Heard Mr. R. Sarma, learned counsel for the petitioner Kamal Nayan Deka, who has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS for short) with prayer for bail as he is behind bars since 23.06.2024 in connection Dispur Police Station Case No. 602/2024 under Section 387 of the Indian Penal Code, 1860.

2. Heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.

3. The learned Additional Public Prosecutor has submitted that Case Diary is not received as the Investigating Officer is busy with some other work.

4. The allegation against the petitioner is that he was involved in demanding money from the informant Pankaj Bhagat posing as a member of a banned organization. Several threats were also exercised by the accused, who posed himself as a member of a banned organization and demanded money from the informant.

5. I have considered the submissions on behalf of the petitioner that the petitioner is behind bars for 48 (Forty Eight) days. It appears that investigation may have presumably progressed to some extent. It appears that further custodial detention may not be required for the progress of investigation. The petitioner has pledged to cooperate with the remaining part of the investigation.

6. Considering all aspects, 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 refrain from such activities with which he is alleged.*

*(ii) The petitioner shall not exercise threats to the witnesses and tamper the evidence.*

*(iii) The petitioner shall cooperate with the investigation.*

*(iv) The petitioner shall not leave the jurisdiction of the jurisdictional Court without prior permission.*

7. On breach of any of the bail conditions, bail order shall stand automatically cancelled.
8. In terms of the above observations, this Bail Application stands disposed of.
9. Send back the Case Diary.

**JUDGE**

**Comparing Assistant**