

GAHC010157272024



2024:GAU-AS:8444

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

Case No. : Bail Appln./2322/2024

KAMAKHYA TALUKDAR
S/O LATE JAGANATH TALUKDAR
R/O PADUMBARI GOTANAGAR,
MALIGAON RAILWAY HEADQUARTERS,
P.S. JALUKBARI, DIST. KAMRUP (METRO), GUWAHATI- 781011

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. B D KONWAR SR. ADV., MS. B SOREN, MS S JAIN, MR M KALITA, MR B DEKA, MRS J M KONWAR

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

28.08.2024

Heard Mr. B.D. Konwar, the learned Senior Counsel assisted by Ms. S. Jain,

learned counsel appearing for the petitioner. Also heard Mr. P. Borthakur, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 483 of the BNSS, 2023 praying for grant of regular bail to the petitioner Sri Kamakhya Talukdar who has been arrested in connection with Jalukbari P.S. Case No.370/2024, registered under Sections 296/ 3(5)/ 308(4)/337/339/340(2)/351(2)/351(3)/61(2) of Bharatiya Nyaya Sanhita (BNS), 2023.

3. Two persons, namely- Manoj Kumar Jain and Pradeep Kumar Jain have alleged in the FIR that their wives Anupama Jain and Nisha Devi Jain had purchased a plot of land on execution of registered sale deeds. In the meantime, the present petitioner acquired a Power of Attorney from the original owner of the land and thereafter he was demanding money from those two ladies and some other persons who are occupying the entire plot of land.

4. It may be mentioned that the land purchased by those two ladies is also a subject matter of a title suit being Title Suit No.231/2021 pending in the court of Civil Judge No.2. Kamrup (M) at Guwahati. In that suit, the aforesaid two ladies are defendant nos.4 and 5.

5. It has been submitted that the present petitioner is a 65 year old man having different medical problems.

6. Some documents to that effect are also filed along with the bail application. I have gone through the case diary.

7. Mr. Borthakur has objected to this bail application.

8. I have considered the submissions made by the learned counsel of both sides.

9. This Court is of the opinion that the allegation made in the FIR can be

resolved by a civil court only. Apart from that, there are no sufficient incriminating materials against the present petitioner in the case diary to justify his further detention in custody.

10. This Court is also aware of the medical condition of the present petitioner.

11. Considering the aforesaid facts, his bail application is allowed.

12. The petitioner Sri Kamakhya Talukdar who was arrested in connection with Jalukbari P.S. Case No.370/2024, registered under Sections 296/ 3(5)/ 308(4)/ 337/ 339/340(2)/351(2)/351(3)/61(2) of Bharatiya Nyaya Sanhita (BNS), 2023, shall be allowed to go on bail of ₹25,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M). The petitioner shall co-operate with police investigation as and when required.

The bail application is disposed of accordingly.

The case diary shall be returned.

JUDGE

Comparing Assistant