

GAHC010159232024



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

Case No. : Bail Appln./2366/2024

JUN PHUKAN @ MADHURJYA PHUKAN @ MADHURYA
S/O SRI LANKESWAR PHUKAN, VILL- BAKUL MAJGAON, P.O. AND P.S.-
LAHOWAL, DIST- DIBRUGARH, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S DAS, MS. P. NAIDING

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

28.08.2024

Heard Mr. S. Das, the learned counsel appearing for the petitioner. Also heard Mr. B. Sarma, 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 Jun Phukan @ Madhurjya Phukan @ Madhurya who has been arrested in connection with Lahowal P.S. Case No.78/2024, registered under Sections 120(B)/420/468/471 of the IPC.
- 3.** Two years ago, on 29.08.2022, two ladies namely, Ms. Bhodra Gohain and Rontumoni Kalita had gone to the office of the Circle Officer, Dibrugarh East Revenue Circle. The ladies produced two land allotment certificates on the basis of whom, they had applied for periodic patta. The informants, who are officials of Dibrugarh East Revenue Circle Office, have alleged in the FIR dated 16.07.2024 that they never issued any such land allotment certificates to the aforesaid two ladies.
- 4.** During investigation, police arrested the present petitioner on the ground that he had given the land allotment certificates to the aforesaid two ladies. The petitioner has been in custody for the last 38 days and till now, the documents were not sent to the Forensic Science Laboratory nor any specimen signatures are collected yet.
- 5.** I have considered the submissions made by the learned counsel of both sides.
- 6.** There is no explanation in the FIR as to why the FIR was lodged after two years. Moreover, after the arrest, the Investigating Officer has not yet sent the documents to the Forensic Science Laboratory nor had collected the specimen signatures.
- 7.** This Court is of the opinion that under the given circumstance of the case, the petitioner does not deserve to be detained in custody for any further period of time. His bail application is allowed.
- 8.** The petitioner Sri Jun Phukan @ Madhurjya Phukan @ Madhurya who was arrested in connection with Lahowal P.S. Case No.78/2024, registered under Sections 120(B)/420/468/471 of the IPC, 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, Dibrugarh.

The bail application is disposed of accordingly.
Case diary shall be returned.

JUDGE

Comparing Assistant