

GAHC010165772024



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

Case No. : Bail Appln./2469/2024

RITUPARNA PATHAK
S/O DALIM CHANDRA PATHAK, VILL- HOUSE NO. 1, GANESH MANDIR
PATH, RUPNAGAR, P.S.-BHANGAGARH, DIST-KAMRUP

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. FIRUZ KHAN, P. NATH, RHITUSHREE TALUKDAR, MR.
ABHIJIT MENA, MR. T K DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 29-08-2024

Heard Mr. F. Khan, learned counsel for the petitioner Rituparna Pathak, 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 10.07.2024 in connection with Patacharkuchi Police Station Case No. 125/2024

under Sections 420/406 of the Indian Penal Code, 1860.

2. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State. Learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary against the petitioner.

3. The allegation against the petitioner is that the petitioner has taken Rs.2,00,000/- (Rupees Two Lacs) from the informant with intent to cheat the informant in the garb of issuing a Fixed Deposit Certificate.

4. It is submitted on behalf of the petitioner that the petitioner is behind bars for 49 (Forty Nine) days. It is submitted that the petitioner's further custodial detention may not be required for the progress of investigation.

5. I have considered the submissions at the bar with circumspection. I have considered the length of detention of the petitioner. I have scrutinized the Case Diary. I have also considered the progress of investigation.

6. Considering all aspects, petition is allowed.

7. 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 Eleka Magistrate under the conditions that :

(i) *Petitioner shall refrain from such activities with which he is alleged.*

(ii) *Petitioner shall cooperate with the remaining part of the investigation.*

(iii) *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 terms of the above observation, this Bail Application stands disposed of.

10. Send back the Case Diary.

JUDGE

Comparing Assistant