

GAHC010168522024



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

Case No. : Bail Appln./2494/2024

GOPI NATH SARKAR
S/O BIREN SARKAR, R/O HOUSE NO. 19, SUNDARBAN PATH,
DAKHINGAON, P.S.-HATIGAON, DIST- KAMRUP (M), ASSAM.
PERMANENT ADDRESS - VILL- HATHIBANGI, P.O. AND P.S.- MAYONG,
DIST- MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A M KHAN, MR. R I DEWAN, MR T T MONI, MR A HAQUE

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

20.09.2024

1. Heard Mr. H.R.A. Choudhury, learned Senior Counsel for the petitioner, namely, Gopi Nath Sarkar.
2. The petitioner has filed this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since

07.08.2024 in connection with Hatigaon P.S. Case No. 177/2024 registered under Sections 406/420/468 of the Indian Penal Code.

3. Heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam.
4. The learned Additional Public Prosecutor has submitted that there are incriminating materials in the Case Diary against the petitioner.
5. The FIR unfolds that the informant had purchased a plot of land measuring 1 katha 6 lessa (3.38 are) on 01.05.2022 and the petitioner had acknowledged the receipt of Rs.67,00,000/- (Rupees Sixty Seven Lakhs) but later, the petitioner cheated the informant by selling the said plot of land to another person. It is further contended that for further recovery of the money paid to the petitioner, the informant purchased another plot of land from the petitioner on 26.07.2022 situated at Lokra measuring 9 katha 16 lessa. The money was supposed to be adjusted with this plot but the petitioner has again cheated the informant for an amount of Rs.1,00,00,000/- (Rupees One Crore). Later, the informant learnt that the power of attorney executed authorizing the petitioner was a fake power of attorney. It is submitted on behalf of the petitioner that this case is of civil nature and further custodial detention will be of no help.
6. I have considered the length of detention and the progress of investigation. Investigation has progressed to a considerable extent. It appears that the further investigation may not be adversely effected if the petitioner is admitted to bail. I have also considered the submission that the petitioner is willing to abide by any stringent bail conditions if, imposed upon him.
7. Considering all aspects, I deem it proper to grant bail to the petitioner. The petitioner shall be 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 CJM, Kamrup (M) under the conditions that:

- (i) The petitioner shall appear before the Trial Court regularly.
- (ii) The petitioner shall refrain from such activities with which they are alleged, and
- (iii) The petitioner shall not leave the jurisdiction of the Trial Court without prior written permission.

- 8. On breach of any of the bail conditions, bail order shall stand automatically cancelled.
- 9. In terms of the above observation, bail application stands disposed of.

JUDGE

Comparing Assistant