

GAHC010175012024



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

**Case No. : Bail Appln./2571/2024**

RAJENDRA KUMAR DAYMA  
S/O LATE MANGI LAL DAYAMA  
RESIDENT OF C-101, FIRST FLOOR, BEML 5TH STAGE, R.R. NAGAR, PS  
RAJARAJESHWARI NAGAR, BEML LAYOUT, BANGALORE, KARNATAKA  
560098

VERSUS

THE STATE OF ASSAM  
REP BY THE PP ASSAM

**Advocate for the Petitioner** : MS. S NEWAR, MR. A K DAS

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

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

**ORDER**

**29.08.2024**

1. Heard learned counsel Mr. A. K. Das for the petitioner Rajendra Kumar Dayma.

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 Behali Police Station Case No. 14/2024 under Sections 318(4)/316(2)/3(5) of the BNSS read with Sections 11(1)(a)(b)(d) of the BNSS.
3. Heard Mr. B. B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.
4. The allegation against the petitioner is that the petitioner is the owner of M/s Kamala Tea Trading Company in Bangalore, and he induced the complainant to supply Tea products on credit to his company. Tea worth Rs. 64,07,669/- was supplied to the petitioner and the petitioner misappropriated Tea worth Rs. 22,30,012/-. It is submitted on behalf of the petitioner that he had business dealings with the complainant and it was a running transaction, and on false allegations he was forwarded to custody. He had already paid for the Tea that he had procured but subject to his approval, he may or may not pay for the remaining Tea which is of sub-standard quality. In such business transactions, a person cannot be forwarded to custody.
5. I have considered the submissions at the Bar with circumspection. The petitioner has been behind bars since 07.08.2024.

6. It appears that investigation may have presumably progressed to a certain extent. It appears that custodial detention may not be required for further progress of investigation. The petitioner has pledged to co-operate with the remaining part of the investigation.

7. In view of my foregoing discussions, petition is allowed. The petitioner shall be enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with two local sureties of like amount to the satisfaction of the learned CJM, Biswanath under the conditions that:

(i) The petitioner shall refrain from such activities with which he is alleged,

(ii) The petitioner shall co-operate with the remaining part of the investigation, and

(iii) The petitioner shall not jump the bail.

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**