

GAHC010176212024



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

Case No. : Bail Appln./2595/2024

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
BEING REPRESENTED BY THE PP, ASSAM TO THE GOVT. OF ASSAM

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

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 12.09. 2024

1. Heard Mr. H.R.A. Choudhury, learned senior counsel, assisted by Mr. A.M. Khan, learned counsel for the petitioner, Gopi Nath Sarkar.

2. The petitioner has filed this bail application under Section 483 of BNSS, 2023, with prayer for bail as he is behind bars since 18.08.2024 in connection with Garchuk P.S. Case No. 244/2024 under Sections 120B/ 420/ 406/ 34 IPC.
3. Also heard Mr. D. Das, learned Addl. Public Prosecutor for the State respondent.
4. Learned Addl. P.P. has raised objection against the prayer of bail as there are incriminating materials in the case diary against the petitioner.
5. I have considered the submissions at the bar with circumspection.
6. I have also considered the length of detention and the progress of investigation.
7. The FIR unfolds that a land agreement was executed between complainant and 4 other persons with the present petitioner. On 30.08.2023, a land agreement of Rs. 68,00,000/- was executed and after execution of the deed of agreement, the petitioner despite accepting consideration amount started to ignore the complainant and others, who have executed land agreement with the petitioner. It is submitted on behalf of the petitioner that the case is of civil nature and he has been behind the bars for last 25 days.
8. I have scrutinized the case diary. Indeed there are materials against the petitioner in the case diary, but further custodial interrogation may not be required for the purpose investigation. I have considered the submission that the petitioner will abide by any stringent condition imposed on him and he will co-operate with the investigation. The investigation has substantially progressed to a considerable extent.
9. Considering entire aspect of the matter, petition is allowed.

10. In view of the above and considering the length of detention, the petitioner named above shall be enlarged on bail on furnishing a bond of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned, Chief Judicial Magistrate, Kamrup (Metro), Guwahati in connection with the aforesaid case under the following conditions that:-

- (1) the petitioner shall refrain from such activities with which he is alleged,
- (2) the petitioner shall not jump the bail and shall co-operate with the investigation.
- (3) the petitioner shall not leave the jurisdiction of the Court without prior permission from the Court.

11. On breach of any of the bail conditions, the bail order shall stand automatically cancelled.

12. Bail application stands disposed.

13. Return the case diary.

JUDGE

Comparing Assistant