

GAHC010185482024



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

Case No. : Bail Appln./2715/2024

PANKAJ DHAR SAIKIA @ PANKAJ SAIKIA
S/O LATE NETRADHAR SAIKIA, R/O DIPUTA SAIKIA CHUBURI, P.S.-
TEZPUR, DIST- SONITPUR (ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY, MS R DEKA, MR. I U
CHOWDHURY, MR. M A CHOUDHURY, MR. A AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

18.09.2024

Heard Mr. H R A Choudhury, learned senior counsel for the petitioner, assisted by Mr. A Ahmed, learned counsel as well as Mr. R J Baruah, learned Additional Public Prosecutor, Assam. This is an application filed under Section 483 of the BNSS, 2023 praying for grant of regular bail in favour of the petitioner, namely, Sri Pankaj Dhar Saikia @ Pankaj Saikia, who was arrested in connection with Tezpur P.S. Case No. 475/2024.

Late Mahendra Barua purchased a plot of land in the year 2016 and accordingly, his name was mutated in the land record. Thereafter, he started construction of a building. At that time, when he obtained the certified copy of Jamabandi, he noticed that his name was deleted and in his place, the name of the present petitioner was inserted in the land records.

It is alleged that the one Sri Kundal Saikia threatened late Mahendra Barua that he will be evicted from the said land. Unable to bear the shock, late Mahendra Barua, who was 62 years old at that time, had committed suicide.

It has been submitted that Sri Kundal Saikia aforesaid had also filed a civil suit against the present petitioner, late Mahendra Barua and others praying for decree in respect of the land purchased by late Mahendra Barua.

I have considered the submission made by the learned counsel of both sides. Mr. Barua, learned Additional Public Prosecutor has objected to this bail application on the ground that the Post Mortem Report has not yet been received.

On a plain reading of the FIR, it is clear that there is no prima facie case for abetment of suicide by the present petitioner. Therefore, the bail application of the petitioner is allowed.

Accordingly, the petitioner, Sri Pankaj Dhar Saikia @ Pankaj Saikia, who was arrested in connection with Tezpur P.S. Case No. 475/2024, shall be released on bail of Rs.25,000/- with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Tezpur, Sonitpur.

The bail application is disposed of.

JUDGE

Comparing Assistant