

GAHC010190912024



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

Case : Bail Appln./2735/2024

PANKAJ TIWARI
S/O LATE T.N. TIWARI
R/O MANSAROVAR APARTMENT
89/277
278
BANGUR PARK
10TH LANE
RISHRA-712248
HOOGLY
WEST BENGAL

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSAM

Advocate for : MR. B CHOUDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 19-09-2024

Heard Mr. B. Gogoi, learned counsel for the petitioner. Also heard Mr. B. Sarma,

learned Addl. P.P. Assam appearing for the State.

This application under Section 483 of BNSS, 2023 has been filed by the petitioner, viz. Sri Pankaj Tiwari who has been detained behind the bars since 01-07-2024 (for last 81 days) in connection with Halem P.S. Case No. 46/2024 under Sections 120B/171E/379/406/420/468/471/413 of the IPC.

The gist of accusation in this case is that on 01-07-2024, one Sri Abhijit Roy, who is the Director of New Manas Tea Estate had lodged a written complaint before the Officer-in-Charge of Halem Police Station, *inter-alia*, alleging that one Sri Pankaj Tiwari, who is the Manager of the said Tea Estate has misappropriated the money of the Tea Estate as well as indulged in making false documents causing huge financial loss to the Tea Estate.

The learned counsel for the petitioner has submitted that the petitioner has been behind the bars for last 81 days and the only reason for his detention beyond the period of 60 days is due to addition of Section 413 of IPC. The learned counsel for the petitioner submits that Section 413 IPC has been added against the petitioner only because he was earlier arrested in connection with Gingla P.S. Case No. 12/2024 for the acquisition of theft and selling of tea produce by making false bills. However, he submits that in the said case the petitioner was granted bail and he is yet to face trial in the said case. He submits that the petitioner is ready to cooperate in the investigation and ready to abide by any condition(s).

On the other hand, Mr. B. Sarma, learned Addl. P.P. Assam has produced the Case Diary of Halem P.S. Case No. 46/2024 and has vehemently opposed the grant of bail to

the present petitioner on the ground that the present petitioner is the main accused in this case and there are sufficient incriminating materials against him. He has also submitted that investigation is yet to be completed and releasing the petitioner at this stage may have a risk of tampering of the evidence.

I have considered the submission made by the learned counsel for both the sides and have also perused the Case Diary. It appears that in this case, two co-accused persons have already been granted bail. It also appears that the investigation has fairly progressed and seizure of several documents have been made and statement of witnesses have also been recorded by the Investigating Officer as well as the Judicial Magistrate. The petitioner has been detained behind the bars for last 81 days and considering the progress made in the investigation as well as the period of detention undergone by the petitioner, this Court is of the view that if the petitioner cooperates in the investigation, his continuance detention may not be necessary for the sake of fair completion of the investigation.

In view of the above, the petitioner, *viz.* Sri Pankaj Tiwari is allowed to go on bail of Rs. 50,000/- with two sureties of like amount to the satisfaction of SDJM, Gohpur with the following conditions that:-

- (i) The petitioner shall surrender his passport before the SDJM, Gohpur.
- (ii) The Petitioner shall not directly or indirectly make any inducement threat or promise to any person(s) who may be acquainted with the facts of the case so as to dissuade such person(s) from disclosing such facts before the Investigating Officer or to the court.

- (iii) The petitioner shall appear before the Investigating Officer once in every 20 days for next 03 months or till completion of the investigation, whichever is earlier.

With the above observation, this bail application is hereby disposed of.

Send back the Case Diary.

JUDGE

GS

Comparing Assistant