

GAHC010190912024



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

Case No. : Bail Appln./2779/2024

NIRUTPAL DAS
S/O- PURNAKANTADAS ,
C/O- NIRMALA TEA ESTATE,
P.O AND P.S-BISWANATH, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. B CHOUDHURY, MR M BHUYAN,MR. B GOGOI

Advocate for the Respondent : PP, 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 Nirutpal Das who has been detained behind the bars since 18-08-2024 (for last 30 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.

It is also alleged in the complaint that the present petitioner used to swipe false cards of attendance on the attendance machine, on the payment day, so that all the false haziras were paid from the desk of the petitioner. However, it is stated in the complaint that the petitioner used to do so under the pressure from the co-accused Sri Pankaj Tiwari.

The learned counsel for the petitioner has submitted that on perusal of the written complaint filed by the informant, it would be clear that the petitioner was pressurized to do so what he was alleged to have done.

It is also submitted by the learned counsel for the petitioner that the complaint petition also shows that huge amount of money was deposited in the account of co-accused person. However, nothing has been alleged regarding accumulate of deposit of money in the account of the present petitioner.

The learned counsel for the petitioner has also submitted that the petitioner has

been detained behind the bars since last 30 days and considering the period of detention, he may be allowed to go on bail.

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 submitted that there are incriminating materials against the petitioner in the Case Diary. He has opposed grant of bail to the present petitioner on the ground that certain documents are yet to be seized and the investigation has not yet completed. However, he also submits that the Investigating Officer has, in the meanwhile, recorded statement of the witnesses as well as statement under Section 183 of the BNSS, 2023.

I have considered the submission made by the learned counsel for both the sides and have also perused Case Diary as well as the materials on record. Though there appears to be some incriminating materials against the petitioner in the Case Diary, however, it appears that allegation against the present petitioner is that he did wrong things under duress as he was threatened by the co-accused Sri Pankaj Tiwari. Moreover, as the petitioner has already detained behind the bars for last 30 days.

Hence, considering the entire aspect of the matter, this Court is of the considered opinion that further custodial detention of the petitioner, viz. Sri Nirutpal Das, may not be necessary for fair completion of the investigation in the Halem P.S. Case No. 46/2024, if he cooperates in the investigation. Hence, the above named petitioner is allowed to go on bail of Rs. 30,000/- with one surety of like amount to the satisfaction of SDJM, Gohpur with following conditions.

- (i) That the petitioner shall cooperate with the Investigating Officer in the Investigation.
- (ii) That he 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.

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

JUDGE

GS

Comparing Assistant