

GAHC010192642024



2024:GAU-AS:10061

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

**Case No. : Bail Appln./2819/2024**

AMAL KUMAR  
S/O LATE DAMBARU DHAR  
KUMAR  
R/O BORIPARA MALIGAON  
P.S. JALUKBARI  
DIST.KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM  
REP BY THE PP, ASSAM

**Advocate for the Petitioner** : MR. C K NATH, MR. AJAY SARMA, MR. S MUNIR

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

**BEFORE**

**HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

**ORDER**

**03.10.2024**

Heard Mr S Munir, learned counsel for the petitioner, Amal Kumar, who has filed this application under Section 483 of the BNSS, 2023, with prayer for bail as he is behind bars since 11.09.2024, in connection with Jalukbari PS Case No. 454/2024, registered under Sections 120(B)/417/420/468 of the Indian Penal Code, 1860.

2. Heard Mr D Das, learned Additional Public Prosecutor for the State of Assam.
3. The allegation against the petitioner is that a sale agreement was executed on 21.03.2013 and a total sum of Rs. 7 lacs was paid by the informant in various installments to the petitioner, as consideration of land measuring 2 kathas 10 lechas, pertaining to Dag No. 39 (0) 10 (N) of KP Patta No. 2 (0) 7 (N), for a total consideration of Rs. 10 lacs.
4. It is submitted that till date, i.e., till 28.06.2024, the petitioner has not handed over the land to the informant.
5. The learned Additional Public Prosecutor has raised objection stating that there are incriminating materials in the Case Diary against the petitioner.
6. Learned counsel for the petitioner has submitted that this is a civil matter and the execution is still in subsistence, which may be decided between the parties.
7. It is submitted that the petitioner is willing to return back the money, but on the other hand, the informant is demanding the valuation in today's date.
8. I have scrutinized the Case Diary.
9. Investigation has progressed to a considerable extent.
10. It appears that further custodial detention may not be required for further progress of investigation.
11. Accordingly, the petitioner is enlarged on bail of Rs. 30,000/- (Rupees Thirty Thousand Only), with a suitable surety of the like amount to the satisfaction of learned CJM, Kamrup (Metro), under the condition that the petitioner shall cooperate with the

remaining part of investigation, failing which, bail order shall automatically stand cancelled.

8. Bail Application stands disposed of.

9. Send back the Case Diary.

**JUDGE**

**Comparing Assistant**