

GAHC010214952024



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

Case No. : Bail Appln./3129/2024

BRAJEN HAZARIKA
S/O SRI HIRA NATH HAZARIKA, R/O POKMURA SONARI GAON, P.S.-
JORHAT, DIST- JORHAT, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : C. M. MAHANTA, MR. S K JAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

07-11-2024

Heard Mr. C M Mahanta, learned counsel for the petitioner and Mr. K Baishya, learned Additional Public Prosecutor, Assam for the State.

2. By this application filed under Section 483 of the BNSS, 2023, the petitioner, namely, **Shri Brajen Hazarika**, son of Sri Hira Nath Hazarika, resident of Pokmura Sonari Gaon, Police Station-Jorhat, District-Jorhat has prayed for his bail in Jorhat Police Station Case No. 383/2024 registered under Sections 61(2)/318(4)/336(3)/319(2) of BNS, 2023 corresponding to G.R. Case

No. 602/2024, wherein he was arrested on 18.09.2024 and is in custody since then.

3. As per the FIR dated 17.09.2024 lodged by the informant before the Jorhat Sadar Police Station, the case is that the petitioner introduced two persons stating them to be manager and credit manager of HDB Finance stating that they would help him to obtain loan from the said HDB Finance. Believing the petitioner, the informant requested those two persons from the HDB Finance for a loan and those two persons told him that he will get such loan shortly, preferably within a period of three months. To provide him the loan, the two persons introduced by the petitioner took signature from the informant and also took substantial amount of money as processing fee for the said loan. As the informant did not receive any such loan amount, he went to the office of the HDB Finance and came to know that the two persons introduced by the petitioner are not the employees of the HDB Finance. Then the informant called upon the petitioner to the office of the HDB Finance. Instead of visiting the office of said HDB Finance, the petitioner asked the informant to come to a different place. In the said place, the informant along with the personnel of said HDB Finance met the petitioner and the officer of said HDB Finance identifying the petitioner stated that he is not an employee of the said financial institution. Since the petitioner and the two persons impersonated introducing them to be HDB Finance officials, cheated the informant, he filed the FIR on 17.09.2024 that was accordingly registered as Jorhat Police Station Case No. 383/2024 under Sections 61(2)/318(4)/336(3)/319(2) of BNS, 2023.

4. Perused the case diary placed before the Court by Mr. K Baishya, learned Additional Public Prosecutor, Assam.

5. Case diary indicates sufficient incriminating materials against the petitioner in cheating the informant and taking money from him assuring to provide him loan from HDB Finance.

6. It is also seen from the case diary that police have already seized the mobile phone of the petitioner.

7. However, considering the period of detention of the petitioner since 18.09.2024, this Court is of the view that his further custodial detention is not warranted for investigation of said Jorhat P.S. Case No. 383/2024. As such, this bail application of the petitioner is accepted.

8. Accordingly, the petitioner, namely, **Shri Brajen Hazarika**, be released on bail in said Jorhat P.S. Case No. 383/2024 on furnishing bail bond of Rs. 50,000/-, with two local sureties, each of the like amount, one of which shall be a Government employee, either State or Central

Government, to the satisfaction of the learned Chief Judicial Magistrate, Jorhat on conditions that the petitioner – (i) shall appear before the Investigating Officer of said Jorhat P.S. Case No. 383/2024 **on or before 12.11.2024** and as and when he is required for necessary investigation of the case; (ii) shall surrender his passport, if any, before the learned Chief Judicial Magistrate, Jorhat on or before 15.11.2024; (iii) shall not leave the territorial jurisdiction of the Jorhat Police Station, without obtaining prior written permission from the concerned I.O. of the case; (iv) shall not hamper with the investigation or tamper with the evidence of the case; (v) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer and (vi) shall not indulge himself in any criminal activities.

9. Any violation of the aforesaid terms and conditions by the petitioner, named above, the bail granted to him in said Jorhat P.S. Case No. 383/2024 shall stand automatically vacated.

10. Bail application stands allowed to the extent above.

11. Return the case diary.

JUDGE

Comparing Assistant