

GAHC010215082024



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

Case No. : Bail Appln./3147/2024

MANOJ KUMAR GUNECHA
S/O CHANDMAL GUNECHA, R/O VILL DR. HUSE ROAD, MISSION,
NAGAON, P.S.-NAGAON, DIST- NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR A R BHUYAN, MR N A MAZARBHUIYA, MS. A. BORAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

21.10.2024

Heard Mr. N A Mazarbhuiya, learned counsel for the petitioner and Mr. R R Kaushik, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 483 of the BNSS, 2023 praying for grant of bail to the petitioner, namely, Manoj Kumar Gunecha, who was arrested in connection with Nagaon P.S. Case No. 959/2024.

On 28.09.2024, the informant lodged an FIR before Police stating that the present petitioner along with wife and son accompanied by about 100 nos. of people caused damage to the boundary wall of his house. It is further alleged that a temple was also damaged by the miscreants by pouring kerosene oil. The informant has stated that they have been staying in the property for the last 70 years.

The learned counsel for the petitioner has pointed out that the informant and his family members are the tenants in respect of the land under a landlady called Smti. Kanchan Devi Doshi, who now resides at New Delhi.

Ms. Doshi had given a Power of Attorney to the present petitioner to sell the said land. Accordingly, the wife of the present petitioner and Smti. K. D. Doshi had entered into an Agreement for sale. After that, the wife of the present petitioner filed a suit for specific performance of the said contract. The trial court dismissed the suit but the appellate court decreed the said suit. During execution of the decree, a Sale Deed was executed in favour of the wife of the present petitioner. Now, the decree is going to be executed by evicting the informant and his family.

The learned counsel for the petitioner has submitted that for the aforesaid reasons, the civil dispute has been given a colour of a criminal case just to harass the present petitioner and his wife.

I have considered the submission made by the learned counsel of both sides.

This court is of the opinion that, at this stage, the petitioner no longer deserves to be detained in custody. Hence, the bail prayer of the petitioner is allowed.

Accordingly, the petitioner Manoj Kumar Gunecha, who was arrested in connection with Nagaon P.S. Case No. 959/2024 shall be released on bail of Rs.25,000/- with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Nagaon.

The bail application is disposed of.

JUDGE

Comparing Assistant