

GAHC010229752024



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

Case No. : Bail Appln./3373/2024

DEWAPRAKASH BHAGAWATI
S/O SRI BINOD BHAGAWATI, R/O VILL-BARBHAGJARI, P.O.-BAKUAJARI,
P.S.-TIHU, DIST-NALBARI, PIN-781340, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A M BORA, MR. V A CHOWDHURY, MR. J P MORE, MR. A BARUAH, MS. C CHOUDHURY

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

06.11.2024

Heard the learned senior counsel Mr. A.M. Bora assisted by Mr. V.A. Chowdhury, learned counsel appearing for the petitioner. Also heard Mr. R.R. Kaushik, learned Addl. Public Prosecutor, Assam.

- 2.** This is an application under Section 483 of the BNSS, 2023 whereby the petitioner Sri Dewaprakash Bhagawati prayed for releasing him on bail after he was arrested in connection with CID P.S. Case No.04/2024 under Sections 120(B)/ 255/ 257/ 260/ 406/ 418/419/420/465/467/468/471 of the Indian Penal Code.
- 3.** Mr. Kaushik submits that for consideration of this bail prayer, the case diary requires to be perused.
- 4.** I have gone through the materials available on record.
- 5.** This Court is of the opinion that for consideration of the bail prayer, perusal of the case diary is not necessary.
- 6.** A person called S. Raj Kumar had lodged an FIR before police stating that he and the present petitioner are doing business as partners. They had an agreement that 30% of the profit and investment shall be done by the present petitioner and the other 70% shall be invested by the informant.
- 7.** Thereafter, another person named Partha Bharadwaj issued a work order for supply of the blankets and other things. Accordingly, the informant and the present petitioner invested money and supplied those goods as per the work order. Thereafter, the informant came to know that the work orders were fake. It is also alleged that Partha Bharadwaj had opened a fake bank account in the name of Government. The informant approached Partha Bharadwaj for receiving money but no money was paid by the said Partha Bharadwaj.
- 8.** After investigation, police filed a *charge sheet* against Partha Bharadwaj. Thereafter, police arrested the present petitioner. The forwarding report shows that on the basis of a statement of Partha Bharadwaj, the present petitioner was arrested by police.
- 9.** It may be stated that while the present petitioner filed bail application before the court below the informant had filed a petition stating that he has no objection if the

present petitioner is released on bail. In spite of that, the learned Chief Judicial Magistrate, Kamrup(M), Guwahati, Assam did not allow the bail prayer.

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

11. This Court is of the opinion that under the given facts and circumstances of the case, the present petitioner does not deserve to be detained in custody for a further period of time. Therefore, his bail application is allowed.

12. The petitioner Sri Dewaprakash Bhagawati who was arrested in connection with CID P.S. Case No.04/2024 under Sections 120(B)/ 255/ 257/ 260/ 406/ 418/ 419/ 420/ 465/ 467/ 468/471 of the Indian Penal Code, shall be released on bail of ₹25,000/- with a surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), Guwahati, Assam.

The bail application is disposed of.

JUDGE

Comparing Assistant