

GAHC010245642024



2024:GAU-AS:11554

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

Case No. : Bail Appln./3563/2024

DIPANKAR DEKA @ RAJDEEP DEKA,
S/O SRI BAIKUNTHA DEKA, R/O- Q/ NO. 13, AGRICULTURE CAMPUS,
SIXMILE, P.S. DISPUR, DISTRICT KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. K K HANDIQUE, MS M BORA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 25-11-2024

Heard Mr. K.K. Handique, learned counsel for the petitioner Dipankar Deka @ Rajdeep Deka, who has filed this application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for bail as he is behind bars since 01.11.2024 in connection with Dispur Police Station Case No. 1188/2024 under Sections 115(2)/126(2)/308(2)/308(5)/319(2) of Bharatiya Nyaya Sanhita, 2023.

2. Heard Mr. D. Das, learned Additional Public Prosecutor, Assam for the respondent State.

3. The allegation against the petitioner is that he along with his companions, have been extorting money by posing as police and by brandishing a gun.

3. It is submitted on behalf of the petitioner that according to the forwarding report there is no seizure of any gun from the possession of the petitioner. It is further submitted that the informant was not present at the place of occurrence. Further, it is submitted that the petitioner has been behind bars for a considerable period of time and further custodial detention may not be required for the progress of investigation.

4. Learned Additional Public Prosecutor has raised serious objection stating that this is a serious offence of extortion of money from the truck drivers and the petitioner is not entitled to bail.

5. I have considered the submissions at the bar. I have considered the submission that further custodial detention may not be required as investigation has progressed substantially. I have also considered the submissions that the petitioner is a local resident and he is not a flight risk. The petitioner is willing to abide by any stringent bail conditions if imposed upon him.

6. Considering all aspects, petition is allowed.

7. The petitioner is enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M) under the conditions that :

(i) *the petitioner shall refrain from such activities with which he is alleged,*

(ii) the petitioner shall appear before the Investigating Officer on every fortnight till completion of investigation,

(iii) the petitioner shall not tamper with the evidence,

(iv) the petitioner shall not leave the jurisdiction of the Court without prior permission.

8. On breach of any of the bail conditions, bail order shall automatically stand cancelled.

9. In terms of the above observation, this Bail Application stands disposed of.

JUDGE

Comparing Assistant