

GAHC010253692024



2024:GAU-AS:12310

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

Case No. : Bail Appln./3631/2024

DHIRAJ RAJBONGSHI
S/O KRIPA RAJBONGSHI RESIDENT OF HOUSE NO. 8A, 3RD BYE LANE
CHINAKI PATH, PS GEETANAGAR, DIST KAMRUP M ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MD A ISLAM, MR T N SRINIVASAN, MR. N ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

04.12.2024

Heard Mr T N Srinivasan, learned counsel for the petitioner, Sri Dhiraj Rajbongshi, who has filed this application under Section 483 of the BNSS, 2023, with prayer for bail, as he is behind bars since 25.11.2024, in connection with Geetanagar PS Case No. 175/2024, under Sections 120(B)/406/420/418/468 of the IPC

2. Heard Mr K K Das, learned Additional Public Prosecutor for the State of Assam.
3. The FIR unfolds that Tapeswar Bongjand, son of Late Pobin Bongang, inherited a plot of land appertaining to Dag No. 2817 of Patta No. 1196, under the Beltola Mouza, Dispur Circle, Lat No. 9, No. 1 Japarigog Village, House No. 8, Chinaki Path, Byelane-3, Narikalbasti. As the informant Tapeswar's father was owner of the aforesaid plot of land for more than 80 years, subsequently, this land was transferred to Tapeswar's name, on 01.10.2022, but unfortunately, Dhiraj Rajbongshi and Satyawati Terang forcefully occupied his land illegally. They have also constructed a building over the plot of land, without his consent and knowledge. Tapeswar tried to evict them from the land, but failed to evict them. This impelled him to lodge the FIR.
4. It is submitted on behalf of the petitioner that the petitioner has purchased the aforementioned plot of land and he is in possession of the aforementioned plot of land.
5. Learned Additional Public Prosecutor has raised serious objection stating that there are incriminating materials in the Case Diary against the petitioner.
6. There are materials in the Case Diary that Tapeswar's father was the original owner of the plot of land, who allowed Satyawati's husband to stay in the plot of land for some time and they were earlier residing in the plot of land by constructing a thatched house, but meanwhile, during the efflux of time, this land was fraudulently transferred to Satyawati and Dhiraj Rajbongshi, without the knowledge of Tapeswar.
7. I have also scrutinized the Case Diary.

8. Indeed, there are incriminating materials in the Case Diary against the petitioner. However, investigation has progressed substantially.

9. It appears that further custodial interrogation may not be required.

10. The petitioner has also pledged to cooperate with the remaining part of investigation.

11. Considering all aspects, I deem it appropriate to grant bail to the petitioner. The petitioner is enlarged on bail of Rs. 50,000/- with a suitable surety of the like amount to the satisfaction of the learned CJM, Kamrup (Metro), under the conditions that-

- i) the petitioner shall appear before the IO on every fortnight and cooperate with the investigation,
- ii) the petitioner shall not leave the jurisdiction of the Court without prior permission, and
- iii) the petitioner shall not exercise threats to the complainant and the witnesses or try to influence the witnesses.

11.1. On breach of any of the bail conditions, the Court is at liberty to immediately cancel the bail granted to the petitioner.

12. Bail Application stands disposed of.

13. Send back the Case Diary.

JUDGE

Comparing Assistant