

GAHC010258152024



2024:GAU-AS:13023

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

Case No. : Bail Appln./3704/2024

SHRI KANGKAN DAS
S/O BHABEN DAS
R/O VILL- UTTAR DHULIGURI, P.S. MUSHALPUR IN THE DISTRICT OF
BAKSA, ASSAM

VERSUS

THE STATE OF ASSAM,
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR A DEKA,

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

20/12/2024

Heard Mr. A Deka, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State respondent.

2. This application under Section 483 of BNSS, 2023 has been filed by the petitioner, namely, **Sri Kangkan Das**, son of Bhaben Das, resident of Village-Uttar Dhuliguri, P.S. Mushalpur, seeking bail in **Sonapur P.S. Case No. 230/2024** registered under Sections 61(2)/316(2)/318(4)/336(3)/ 340(2)

BNS, 2023, wherein he was arrested on 23.11.2024 and is in custody since then.

3. As per the FIR of the case, one accused, namely, Bubul Rabha, son of Sri Akan Rabha, since the last 11 months inducing the informant and others took their Aadhar Cards, Pan Cards and photographs saying that they will be provided with loan and with their documents, he has purchased motor cycle and sold it to different parts of the State including Meghalaya and Bangladesh. Such act was done by said Bubul Rabha with the help of the concerned bank and bike dealers. Said Bubul Rabha along with the concerned bank and bike dealers forged the signatures of the informant and others and thereby cheated them. Accordingly, said FIR was registered as Sonapur P.S. Case No. 230/2024 under Sections 61(2)/316(2)/318(4)/ 336(3)/340(2) BNS, 2023.

4. It is submitted by the petitioner that he is no way connected with the case and has been wrongly arrested without any basis.

5. Perused the case diary placed before the Court by Mr. Sarma, learned Additional Public Prosecutor, Assam.

6. From the case diary, it is seen that the independent witnesses have implicated said Bubul Rabha, who cheated the innocent villagers and others by forging their Aadhar cards, Pan cards and signatures and purchased numbers of two wheelers in their names without their consent. In the case in hand, the petitioner, who is a driver by profession, sold such two wheelers procured by said Bubul Rabha and other accused persons of the case.

7. Case diary implicates said Bubul Rabha, the main accused of the case along with some bike dealers and bank employees.

8. Considering the materials available in the case diary, this Court is of the view that further custodial detention of the petitioner, named above, is not warranted to investigate the said Sonapur P.S. Case No. 230/2024. As such, this bail application of the petitioner in said Sonapur P.S. Case is accepted.

9. Accordingly, the petitioner, namely, **Sri Kangkan Das**, be released on bail in said **Sonapur P.S. Case No. 230/2024** registered under Sections 61(2)/316(2)/318(4)/336(3)/340(2) BNS, 2023, on furnishing a bail bond of Rs.50,000/- with 2 (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, Kamrup (Metro), Guwahati, on conditions that the petitioner – (i)

shall appear before the Investigating Officer of said Sonapur P.S. Case No. 230/2024, on every Thursday commencing from 26.12.2024 for the next 3 (three) English Calendar months during office hours or till filing of the charge-sheet in the case, whichever is earlier and also as and when he is required in connection with the said Sonapur P.S. case; **(ii)** shall not leave the territorial jurisdiction of Sonapur Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; **(iii)** shall not hamper with the investigation, or tamper with the evidence of the case; **(iv)** 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 **(v)** shall not involve himself in any criminal activities, failing which, the bail granted to him in said Sonapur P.S. Case No. 230/2024 shall stand automatically vacated.

10. This bail application accordingly stands allowed to the extent above.

11. Return the case diary.

JUDGE

Comparing Assistant