

GAHC010273542024



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

Case No. : Bail Appln./3900/2024

TAPASH MANDAL ALIAS TAPAS MONDAL
S/O- ANIL MANDAL,
R/O- 74, 1/4 DR. JS BOSE ROAD, UNDER KASBA POLICE STATION, WEST
BENGAL

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR DEBANGA KUMAR BAIDYA, MR. D GAGAI, MR. M S
HUSSAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

19.12.2024

Heard Mr. D Baidya, learned counsel for the petitioner and Mr. D P Goswami, learned
Additional Public Prosecutor, Assam.

By this application filed under Section 483 of the BNSS, 2023 by the petitioner, namely,
Tapash Mandal @ Tapas Mondal, has prayed for release on bail, who was arrested in connection
with Badarpur P.S. Case No. 197/2024.

There is an entity called, Protean Staffing Private Limited, which recruits people and supplies them to different business organisations.

A person, named, Sri Sajaal Dutta, an employee of Protean Staffing Private Limited had an agreement with the informant that they will be given distributorship of 'Kwality Walls Icecream Company'.

Accordingly, Sri Sajaal Dutta took Rs.16,70,000/-. Subsequently, Sri Sajaal Dutta failed to give the dealership aforesaid. Therefore, both the informants lodged an FIR against Sri Sajaal Dutta alleging the aforesaid facts.

The present petitioner is a Sales Executive of Hindustan Uniliver Limited, which deals with quality walls ice cream. Therefore, this petitioner was in constant telephonic touch with Sri Sajaal Dutta. On many occasions, the petitioner was found in the same places where Sri Sajaal Dutta was present. For this reason, it was suspected that the present petitioner might also be a conspirator with Sri Sajaal Dutta.

Mr. Baidya has submitted that the offences, as alleged against the present petitioner, are punishable for a period of 7 (seven) years only and no notice under section 35 of the BNSS, 2023 was issued to him.

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

On a plaint reading of the FIR, it appears that this is a case for recovery of money only. Moreover, the ground on which the present petitioner was arrested is not found to be satisfactory. Therefore, the petitioner does not deserve to be detained in custody for further period of time. Hence, the prayer of the petitioner for bail is allowed.

Accordingly, it is directed that the petitioner Tapash Mandal @ Tapas Mondal, who was arrested in connection with Badarpur P.S. Case No. 197/2024, shall be released on bail of Rs.25,000/- with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Sribhumi (earlier Karimganj).

The bail application is disposed of.

JUDGE

Comparing Assistant