

GAHC010287802023



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

Case No. : Bail Appln./4621/2023

SADANANDA SAIKIA
S/O LATE PRIYANATH SAIKIA
R/O ARJUN PATH,
H/NO. 33, NIZARAPAR
P.S. CHANDMARI,
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. U K BARMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

10.01.2024

Heard Mr. H. Ali, learned counsel for the accused and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under section 439 Cr.P.C. is preferred by accused, namely, Sadananda Saikia, who is languishing in jail hazot since 11.12.2023, in connection with Chandmari P.S. Case No.445/2023, under Section 120(B)/406/420 IPC, for grant of bail.

3. It is to be noted here that the above noted case has been registered on the basis of an FIR lodged by one Rubi Chakravarty and Pramathesh Chakravarty on 02.12.2023. The essence of allegation made in the aforesaid FIR is that the informants have entered into an agreement with the wife of the present accused for selling a plot of land measuring 10 lechas covering Dag No.613 of K.P. Patta No.1094, under Dispur Revenue Circle on 07.03.2021, and a sum of ₹ 8,50,000/- has been paid as advance and thereafter, on repeated request she has failed to initiate the sale process or to refund the money and later on, it has come to light that Mrs. Bijaya Dutta Saikia is neither the owner, nor the title holder of the aforementioned plot of land.

4. Mr. Ali, learned counsel for the accused, submits that the accused was arrested on 11.12.2023, and since then he has been languishing in jail hazot for last 30 days and that there is no whisper in the FIR against the present accused and the accusation in the FIR is against his wife only and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials against the accused and the statement of the co-accused i.e. Mrs. Bijaya Dutta Saikia, the wife of the accused, indicates that she entered into agreement with the informant to sell the plot of land as per direction of her husband i.e. the present accused.

6. Though the accused is languishing in jail hazot for last 30 days yet, having regards to the nature of accusation against the accused and the modus operandi adopted by him in defrauding the customers for which several cases have been registered against him, this Court is of the view that this is not a fit case where the privilege of bail can be granted to the accused. Accordingly, the bail application stands dismissed.

7. Case diary be returned.

Sd/- Robin Phuikan
JUDGE

Comparing Assistant