

GAHC010288122023



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

Case No. : Bail Appln./4620/2023

NAJMUL ALOM @ MOON CHOUDHURY
S/O LATE SAMIRULLA ALOM
R/O SATGAON MILIJULI PATH
P.S. SATGAON
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S NEOGI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 11-01-2024

Heard Mr. S. Borthakur, learned counsel for the accused and also heard
R. J. Barua, learned Addl. P.P. for the State respondent.

This application, under Section 439 Cr.P.C. is preferred by the accused,

namely, Najmul Alom @ Moon Choudhury, who has been languishing in jail hajot in connection with Satgaon P. S. Case No.226/2023, u/s 120(B)/406/420/468/471/506 IPC, for grant of bail.

It is to be noted that the above noted case has been registered on the basis of an FIR lodged by one Jadunandan Ray on 06.12.2023.

The essence of allegation made in the FIR dated 06.12.2023 is that one Latif Ali of Satgaon, Guwahati has executed an agreement with him for selling a plot of land situated at Kalitakuchi covered by Dag No.170, Patta No. 107 under the revenue village of Kalitakuchi, Mouza Beltola, and later on, Latif Ali on several time refused to register the same. Thereafter, Latif Ali entrusted the task to one Nazmul Alom for execution of the sale deed and he took a sum of Rs.3,80,000/- and both the accused persons cheated him for selling the aforementioned plot of land, to which none of them were the owner. Mr. Borthakur, learned counsel for the accused submits that the accused was arrested on 07.12.2023 and since then he has been languishing in jail hajot for last 36 days and that the accused is the attorney holder of the said plot of land and pursuant to the said power of attorney, he entered into an agreement with the informant and that he is ready to abide by any condition imposed by this Court and therefore, it is contended to allow this petition.

On the other hand, Mr. Barua, learned Addl. P.P. produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials against the accused. Mr. Barua, learned Addl. P.P. submits that the accused is not the owner of the plot of land for selling of which, he entered into an agreement with the informant and therefore, Mr. Barua, has opposed the petition.

Having heard the submission of learned Advocates for both the parties, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Barua, learned Addl. P.P.

It appears that the plot of land measuring, 9 lechas covered by Dag No. 170(New), K. P No. 107(New), situated at village Kalitakuchi, under Beltola Mouza stands, in the name of one Ramakanta Mikir, as per the Chitha of survey place collected by the I.O. during the investigation. Further, it appears from the case diary that I.O. has collected sufficient incriminating materials in support of the allegation made in the FIR. Investigation is still going on and enlarging the accused on bail at this stage will hamper the investigation and accordingly, the petition stands dismissed, at this stage.

Case diary be returned.

JUDGE

Comparing Assistant