GAHC010289762023

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

Case No. : Bail Appln./4664/2023

HIMANGSHU DAS
S/O GHANAKANTA DAS
R/O BANIAKUCHI
SADERI CHUBA
P.S. SIMLA
DIST. BAKSA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N K KALITA

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

04.01.2024

Heard Mr N K Kalita, learned counsel for the petitioner, Himangshu Das.

2. The petitioner has filed this application under Section 439 CrPC, with prayer for bail as he is in jail since 27.11.2023, in connection with Cyber PS Case No. 12/2023,

under Sections 120(B)/419/420 IPC, read with Sections 66(C)/66(D) of the IT Act, read with Sections 409/468/471 IPC.

3. Heard Mr D P Goswami, learned Additional Public Prosecutor for the State of Assam.

4. The FIR unfolds that an unauthorized access of Circle Officer login (gogoi1234) of Dispur Revenue Circle was detected. A detailed report in the matter was submitted to the DC, Kamrup (Metro) on 01.11.2023. it was noticed by the informant that mutation order was passed online in Dharitree portal on 05.10.2023, in Case No. MET/DIS/2022-23/96042/OMUT against a deed bearing serial No. 6268 dated 21.12.1995, wherein no offline case record of any notice issued, order etc. was found to be available in the office of the Circle Officer. On an enquiry, the Lat Mandal reported that neither field verification nor any report was submitted in respect of the mutation case mentioned above. The DIO, NIC, Kamrup (Metro) was informed on 28.10.2023 and the login details history was solicited from the time period from 01.10.2023 to 26.10.2023 and the following came to light-

1. That an IP address 10.177.88.65 had record of login/logout history of 52 times from 04.10.2023 to 26.10.2023.

2. That an IP Address 10.177.88.58 had record of twice login/logout history on 10.10.2023.

4.1. The list of official 33 Operational IP Addresses in the office of the Circle Officer, Dispur Revenue Circle was submitted for reference and it was found that the abovementioned IP addresses are not from the official list of 33 IP addresses allotted to the office of the Dispur Revenue Circle. It was found that the access made by the above referred IP addresses are unauthorized and illegal, which require detailed investigation and expert examination on the matter.

5. During investigation, the present petitioner was arrested in connection with this case.

6. It is submitted on behalf of the present petitioner that he is not connected with this case. He is the cousin of Ramen Madahi, who is allegedly a property dealer/land broker.

7. The learned Additional Public Prosecutor has raised objection against the bail petition.

8. I have considered the submissions at the Bar with circumspection. I have also perused the Case Diary.

9. I have considered the length of detention.

10. Investigation has also progressed to a considerable extent. Further custodial detention of the petitioner for the sake of investigation may not be required.

11. It appears that investigation may not be adversely affected if the petitioner is enlarged on bail.

12. Considering all aspects and in view of my foregoing discussions, petition is allowed. The petitioner is enlarged on bail of Rs. 30,000/-, with a suitable surety of the like amount, to the satisfaction of the learned CJM, Kamrup (Metro) under the condition that-

i) the petitioner shall refrain from such activities with which he is alleged, failing which, bail order shall stand cancelled.

13. Bail Application stands disposed of.

14. Send back the Case Diary.

JUDGE

Comparing Assistant