

GAHC020000442024



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

Case No. : Bail Appln./1/2024

SHRI ANIL BAHADUR SINGH
S/O LATE SUBH NARAYAN SINGH
PROPRIETOR ODF SANITARY HARDWARE
DR. R.P. ROAD, GANESHGURI, GUWAHATI, KAMRUP (M) ASSAM-781006

VERSUS

THE STATE OF NAGALAND
NAGALAND KOHIMA

Advocate for the Petitioner : HITOKA J YEPTHO

Advocate for the Respondent : P.P, NAGALAND

**BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 26-02-2024

1. Heard Mr. H. J. Yeptho, learned counsel for the petitioner.
2. The petitioner namely, Shri Anil Bahadur Singh has filed this application under Section 439 Cr.PC with prayer for bail on behalf of Ajay Bahadur Singh who is behind bars since 11.01.2024 in connection with SBN PS Case No. 0043 of 2023 registered u/s 406/420 IPC.

3. The accused Ajay Bahadur Singh is alleged to have committed an offence of cheating by the informant. The allegation against him is that he was to deliver TMT bars to the informant and had received payment from the informant of Rs. 23,26,000/- on different dates but did not supply the TMT bars. Thereafter again on request of the accused Rs. 3,90,000/- was paid for supply of TMT bars. The accused is alleged to have cheated the informant by not supplying the TMT bars.

4. Heard Mr. V. Zhimomi, learned PP for the State of Nagaland.

5. The learned PP has submitted that the accused is a history-sheeter. He was arrested in connection with cases of similar nature. If enlarged on bail the accused will not hesitate to commit similar offences and cheat innocent citizens and procure funds to supply TMT bars in a similar manner. The learned PP has also submitted that there is no change of circumstances to grant bail to the accused. Earlier vide order dated 22.01.2024 the learned Judicial Magistrate, First Class, at Dimapur has rejected his bail application. In the earlier bail application the accused took the plea that he was not well and treatment is required and in the present application also the accused has taken the same plea that he requires treatment.

5. Per contra the learned counsel for the accused as well as the petitioner has submitted that the accused cannot be detained as a preventive measure to be refrained from committing an offence like deciding a case in a mini trial.

6. I have considered the submissions at the Bar with circumspection. The accused has been behind bars for 47 days. I have also scrutinised the Case Diary. The statement of the informant has also been recorded. The investigation has been progressing. It appears that further detention for progress of investigation may not be required in connection with this case. I have considered the submissions that the accused is willing to co-

operate with the investigation as well as with the trial.

7. Considering all aspects, I am inclined to grant bail to the accused. The accused is enlarged on bail of Rs. 50,000/- (Rupees Fifty thousand) with 2 local sureties of like amount to the satisfaction of the learned trial Court by the conditions that:-

- i. The petitioner shall appear before the learned trial Court and co-operate with the trial, if charge-sheet is laid against him;
- ii. the petitioner shall not jump the bail; and
- iii. the petitioner to co-operate with the investigation.

On breach of any of the bail conditions, bail order shall stand cancelled.

Sd/-

JUDGE

Comparing Assistant