GAHC010155782020

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

Case No. : Bail Appln./2342/2020

HAMANTA KUMAR DAS AND ANR.
S/O MADAN CHANDRA DAS, R/O SONIA ENCLAVE, GEETANAGAR, P.S. AND P.O.-GEETANAGAR, DIST-KAMRUP(M), ASSAM, PIN-781032

2: DINESH HALO

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

25.11.2020

Heard Mr. S.C. Biswas, learned counsel for the accused-petitioners and Mr. N.K. Kalita, learned Addl. PP. for the State/respondent.

By this petition under Section 439 Cr.P.C., the petitioners, namely, **1. Hamanta Kumar Das and 2. Dinesh Haloi** have prayed to release them on bail in connection with **Rangia PS Case No. 969/2020** under Sections 120B/465/466/468/470/471 of the IPC.

The case diary, as called for, is placed before the Court.

Mr. S.C. Biswas, learned counsel for the accused-petitioners, submits that the claimant requested the accused to help her in filing a MACT case as her husband died in a motor accident and accordingly she produced the seized documents. Therefore, Mr. Biswas submits that as the accused were innocent they may be directed to be released on bail subject to any condition.

Mr. N.K. Kalita, learned Addl. PP., submits that the accused-petitioners are the investigators of the Insurance Company concerned and they themselve in convenience with co-accused arranged everything to file the false MAC case and as such, he was one of the mastermind in the case.

The F.I.R. dated 13.10.2020, lodged by the Regional Manager of United Insurance Company, Guwahati before the officer-in-charge of Rangia P.S. revealed the allegation that Advocate Dharitri Talukdar filed MAC case No. 2421/2019 in the MACT, Kamrup based on false and manufactured documents.

On scrutiny of the case diary including the statements recorded under section 164 Cr.P.C., it is revealed that there is abundance of *prima facie* material to show that the accused-petitioners in association with a number of persons made arrangement of claimant**,** false F.I.R., seizure memo, MVI Report, P.M. Report etc. to file MAC case No. 2421/2019. The investigation is yet to be completed. Therefore, this Court is of the opinion that if the liberty of bail is granted to the accused-petitioners, the ongoing investigation into the case is likely to be adversely affected.

In view of the above, the bail application stands rejected.

Return the case diary.

JUDGE

Comparing Assistant