

GAHC010001342024



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

**Case No. : Bail Appln./9/2024**

NIRANJAN DEKA  
S/O LATE MANORAM DEKA @ NANDARAM DEKA  
R/O BUDURUKUCHI,  
NALBARI, P.S. NALBARI,  
DIST. NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. A CHAUDHURY**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HON'BLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**12.01.2024**

Heard Mr. A. Choudhury, learned counsel for the accused and also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under section 439 Cr.P.C. is preferred by accused, namely,

Niranjan Deka, who has been languishing in jail hazot since 29.12.2023, in connection with Azara P.S. Case No.269/2023, under Section 120(B)/466/468/471 of the IPC, for granting 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 Sajijan Begum on 26.11.2023. The essence of allegation made in the aforesaid FIR is that she is the owner of a plot of land, which she had purchased by a registered deed and got her name mutated on 16.05.1998 and since then she has been possessing the same and few days back one Debajit Nath and Imtiaz Anowar used to visit her house and threatened to vacate the aforesaid plot of land in favour of them and they have prepared a forged power of attorney by forging her signature thereon.

4. Mr. Choudhury, learned counsel for the accused, submits that the accused was arrested in connection with Cyber P.S. Case No.12/2023, and he has been shown arrested in this case on 29.12.2023, and since he has been languishing in jail hazot in connection with this case also. Mr. Choudhury further submits that altogether three cases have been registered against the present accused and in two cases he has already been granted bail and since the matter relates to document, further custodial detention of the accused may not be required in the interest of investigation and therefore, it is contended to allow the petition.

5. On the other hand, Mr. R.J. Baruah, 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 investigation is going on and therefore, Mr. Baruah has opposed the petition.

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

7. The case diary indicates that the I.O. has collected sufficient incriminating materials against the present accused. He is one of the staff of the Sub-Registrar Office, Kamrup

(Metro), Guwahati and he is involved in preparation of the forged power of attorney. Further, it appears from the case diary that the investigation is going on and some of the co-accused are yet to be arrested and enlarging the accused on bail at this stage will hamper the investigation.

8. Under the aforesaid facts and circumstances, this Court is of the view that this is not a fit case where the privilege of bail can be granted to the accused and accordingly, the bail application stands dismissed.

9. Case diary be returned.

**Sd/- Robin Phukan**  
**JUDGE**

**Comparing Assistant**