

GAHC010024092024



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

Case No. : Bail Appln./354/2024

GITENDRA TALUKDAR
S/O RAMESH TALUKDAR,
R/O JYOTI NAGAR, SANTI PATH, PS. CHANDMARI,
KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. D SARAF

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

15.02.2024

Heard Mr. D. Saraf, 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,

Gitendra Talukdar, who has been languishing in jail hazot since 11.01.2024, in connection with Gorchuk P.S. Case No.235/2022, under Section 420/419/468/471 IPC, for grant of 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 Praneswar Dekamajhi on 27.07.2022. The essence of allegation made in the aforesaid FIR is that his father late Vatiram Deka (Lalung) has a plot of land measuring 4 kathas 7 lechas bearing Kheraj Patta No.1135, Dag No.731 at Betkuchi Revenue village under Beltola Mouza and at the time of mutation of the said plot of land, he came to know that one Pradip Kumar Sarmah furnished a fake and forged sale deed No.2413/2020, Serial No.3243, dated 20.02.2020, which was executed and registered impersonating his grandfather late Vatiram Deka (Lalung) in favour of Sri Pradip Kumar Sarmah.

4. Mr. Saraf, learned counsel for the accused, submits that the accused is behind the bar for last 36 days and the investigation in the meantime might have been completed and the main culprits have already been arrested by police and that the accused is innocent and no way involved with the offence alleged in the FIR and he is ready to cooperate with the investigating agency and he is also a public servant under suspension and therefore, it is contended to allow the petition.

5. On the other hand, Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, submits that he has received the case diary and the case is pending for arrest of other accused persons, but the I.O. has achieved substantial progress in the investigation of this case and he has collected the FSL report also.

6. Having heard the submission of learned Advocates for both 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 achieved substantial progress in the investigation of this case and material part of the investigation appears to be almost over

and the main culprits of the case have also been arrested by police. The accused is behind the bar for last 36 days and balancing the same with the nature and gravity of the offence, this Court is of the view that further custodial detention of the accused may not be required in the interest of investigation and accordingly, this Court is inclined to allow this petition. It is provided that on furnishing a bond of ₹ 50,000/- with one surety of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup(M), the accused, namely, Gitendra Talukdar, be enlarged on bail. Case diary be returned.

8. In terms of above, this bail application stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant