

GAHC010009852024



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

**Case No. : Bail Appln./174/2024**

KAMAL DUTTA  
S/O LATE SAGAR DUTTA  
R/O BHULABARI, P.O. BHULABARI, P.S. NARAYANPUR  
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR B DEURI**

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

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

**ORDER**

**22.01.2024**

Heard Ms. M. Nirola, 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, Kamal Dutta, who has been languishing in jail hazot since 26.11.2023, in connection with Samaguri P.S. Case No.283/2023, under Section 406/420 of the 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 Uttam Majumdar on 20.09.2023. The essence of allegation made in the aforesaid FIR is that the informant has provided a sum of ₹ 12,43,000/- to the accused in connection with some contract work on the condition that he will return the same after receiving the bill. But, even after receiving the bill, the accused failed to return the said amount to the informant and thereby cheated him.

4. Ms. Nirola, learned counsel for the accused, submits that the accused is behind the bar for last 57 days and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition considering the period of detention.

5. On the other hand, Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, submits that the I.O. has collected sufficient incriminating materials against the accused and he is a habitual offender and therefore, Mr. Baruah has contended to dismiss 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 investigation has progressed significantly and that the accused is behind the bar for last 57 days and balancing the same with the nature and gravity of the offence, this Court is inclined to allow this petition.

8. It is provided that on furnishing a bond of Rs.50,000/- with one surety of the like amount to the satisfaction of the learned S.D.J.M., Kaliabor, Nagaon, the accused be enlarged on bail. Case diary be returned.

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

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

**Comparing Assistant**