

ORDER-SHEET FOR MAGISTRATE'S RECORDS
DISTRICT : SONITPUR.
IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR
Criminal (Bail) No. 562/2022

Smti Arundhati Das

Vs.

State of Assam

Sl. No. of Orders	Date	Order	Signature
	<u>11-11-22</u>	<p>This is an application u/s 439 Cr.P.C. filed by Smti Arundhati Das seeking bail for accused Dipam Das @ Sapun in connection with Tezpur PS Case No. 1114/2022 u/s 306 IPC, corresponding to G.R. Case No. 2151/2022.</p> <p>I have heard the learned lawyers appearing for both sides and also perused the case diary.</p> <p>The allegation in the FIR is that in the year 2017 due to some financial problem informant took an amount of ₹2,00,000/- (Rupees Two Lakhs) from the accused as a loan and informant paid ₹2,000/- as interest against the said loan amount. It is also submitted that since the year 2019 informant has failed to pay the interest amount to accused for which she along with her son made an agreement with the accused wherein it is stated that informant should pay all the due money to accused and in the meantime, she did not know that in the said agreement the accused took their land in his name. Informant also submitted that in the year 2021 she paid ₹1,50,000/- and ₹50,000/- in the month of June/ July of the year 2022 but the accused did not provide any money receipt against the said payments. It is also alleged that on 20-10-2022 she received a summon from the court and came to know that a case has been filed against them. Later in the evening time the FIR named accused in her absence threatened her deceased son by saying that they should vacate their house and land or else he will occupy the property and due to which, her son forced to commit suicide. Hence, the case.</p> <p>Learned counsel for State opposed the bail prayer</p>	

contending inter alia that it is a serious case of forcing a 15 year boy to commit suicide by threatening him to forcefully take his house and land and also filing a false case against him & his mother. Moreover, there are sufficient materials emerged in the case diary showing the complicity of accused person with the offence of Section 306 IPC.

Moreover, informant Jayanti Saikia the mother of deceased filed a petition 2446/2022 objecting the bail prayer of accused stating inter alia that informant is an old aged lady and after the death of her son, there is no any male person in her family to look after her and if the accused is enlarged on bail, he will pressurized the informant to withdraw her case and there is every possibility that accused person along with his family members might harm the informant. Hence, informant prays not to enlarge the accused on bail.

On the other hand, learned counsel appearing for accused submitted that it is an out and out false case and accused is an innocent person and the informant has lodged the FIR only to harass and humiliate the accused unnecessarily. The actual fact of the case is that on 23-09-2019 the informant and her son Ranjit Saikia (since deceased) entered into an agreement for sale of land with the present accused person which was duly notarized before the Notary Public thereby the informant and her son agreed to sale a plot of land to the present accused and accepted ₹6,00,000/- (Rupees Six Lakhs) as advance amount. But, thereafter, the informant and her deceased son intentionally dragged the matter too long and in spite of numerous requests from the accused, they did not execute the sale deed in favour of the accused and when accused realized that the period of limitation regarding the agreement for sale of land dated 23-09-2019 is about to expire and the informant and her son had no honest intention to execute the sale deed in favour of the accused, then having no other alternative the accused filed a Title Suit for specific performance of Contract for sale of land and

permanent injunction against the present informant and her deceased son in the court of Civil Judge, Sonitpur at Tezpur being Title Suit No. 41/2022 and a Misc. (J) Case No. 78/2022 for granting of ad-interim temporary injunction under Order 39 Rule 1 & 2 r/w Section 151 CPC. However, after filing of cases, summons was issued to informant and her son but after receipt of summons from the court, the son of the informant namely Ranjit Saikia committed suicide. Therefore, the accused has been falsely implicated in this case by the informant for her wrongful gain and to avoid giving land as well as to grab said advance amount of ₹6 Lakhs. As such, learned counsel for accused prays for bail.

Having heard the learned counsels appearing for both sides and also careful perusal of the case diary, it transpires that irrespective of the argument of the learned counsel appearing for accused about the existence of civil dispute but the fact remains that the case involves elements of criminal aspect of serious crime as the accused allegedly harassed the informant and her deceased son in spite of returning the loan amount taken by her from the accused. Therefore, the case of the complainant cannot be thrown out by branding it as dispute of civil nature. In the case at hand, it is apparent on record that accused have attributed the death of deceased son of the informant by way of mental harassment and in other form of criminal nature.

Therefore, considering all the attending factors into consideration, this court do not consider it a fit case to release the accused on bail.

In the result, bail petition stands rejected.

Send back the case diary in seal cover.

Accordingly, the case is disposed of.

Sessions Judge,
Sonitpur, Tezpur.