

GAHC010004272023



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

Case No. : AB/56/2023

MATALEB
S/OLATE KUMAN UDDIN
R/O VILL- KUCHIAKHANDA
P.O. BILASIPARA, BAZAR,
P.S. GOBARDHANA
DIST. BAKSA, ASSAM
PIN-781316

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR F K R AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 23-01-2023

Heard Mr. F.K.R. Ahmed, learned counsel for the petitioner.

Also heard Mr. K.K. Das, learned Additional Public Prosecutor for the State of Assam.

Apprehending arrest in connection with Gobardhan P.S. Case No. 161/2022, under sections 120(B)/406/420/468 of IPC, this application under section 438 Cr.P.C., has been preferred by the accused petitioner namely, Mataleb, for granting pre-arrest bail.

It is submitted by the learned counsel for the petitioner that the petitioner is innocent and no way connected with the alleged offence and has been falsely implicated in this case. He obtained the paddy procurement certificate from the office of the District Agriculture Officer by submitting genuine and correct documents. However, while obtaining the certificate the land was not mutated in the name of the petitioner and was still in the name of his grandfather. After obtaining the certificate the paddy was sold to concerned authority and thus they have not misappropriated any Government money nor there is any forgery is committed on the part of the present petitioner. He is ready to co-operate with the investigation of the case if he is granted the privilege of pre-arrest bail. In this regard, the learned Additional Public Prosecutor for the State of Assam has raised serious objection against the prayer of the accused petitioner and submitted that there is sufficient incriminating materials against the petitioner in the case diary. He produced not only forged documents but it also appeared in the Government portal that there is no land in the name of the present petitioner. He obtained the certificate by giving some false information and documents before the concerned authority and thus, he not only misappropriated the Government money but also committed forgery and the custodial interrogation of the present accused petitioner is necessary to unearth the fact and to book the other culprits associated with the offence.

After hearing the submission of learned counsel for both sides, I have also perused the case diary, it reveals that the land documents which is furnished

and the land which is shown to his own does not belongs to him and the petitioner obtained such paddy procurement certificate by producing false documents. More so, in the F.I.R. he is also specifically named. Accordingly, I find that the custodial interrogation of the present petitioner may be necessary in the instant case. Hence, I do not find it as a fit case where the privilege of pre-arrest bail can be given to the accused/petitioner.

Accordingly, the pre-arrest bail prayer of the petitioner stands rejected.

Anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant