

GAHC010023662023



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

Case No. : AB/331/2023

MATALEB @ MUTALEB
S/O- LATE KUMURUDDIN , R/O- VILL- KUCHIJA KHANDA, P.S-
GOBARDHANA, DIST- BAKSA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. P K MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

10-03-2023

This is an application, filed under Section 438 of the Cr.PC. seeking pre-arrest bail of the accused-petitioner, namely, **Sri Mataleb @ Mutaleb**, in connection with **Gobardhana Police Station Case No. 161 of 2022**, registered under **Sections 120(B)/406/420/468 of the I.P.C.**

Heard Mr. P.K. Munir, learned counsel for the petitioner and Mr. K.K. Das, learned Additional Public Prosecutor, representing the State respondent.

The case diary produced has been perused.

It is submitted by the learned counsel for the petitioner that the land was mutated in the name of the petitioner in the year 2019, by the order of the Circle Officer dated 11-01-2019. Along with the present petitioner, names of three other persons were also mutated. As per the order dated 13-02-2023, the wife of the present petitioner also visited to the police station and tried to submit original copy of *Jamabandi*, but the Investigating Police Officer did not accept it and not allowed the wife of the petitioner to submit the documents before the Investigating Police Officer. The original copy of the same has been provided before this Court today by the learned counsel for the petitioner. It is submitted by the learned counsel for the petitioner that after obtaining the certificate by the A.D.O., the Paddy Procurement Certificate was issued in his name without verifying the proper documents. It has been alleged that he obtained the Paddy Procurement Certificate without having any land in his name. It is also submitted that the accused-petitioner is ready and willing to co-operate with the Investigating Police Officer in the investigation of this case and he is also willing to produce all the documents in support of ownership of the land, but as there is an apprehension of his arrest, he could not appear before the Investigating Police Officer and co-operate with the investigation.

After filing of the FIR, there was an enquiry made by the Circle Officer and in the report of Circle Officer dated 24-12-2022, he stated that the Paddy Seller, i.e., Mataleb @ Mutaleb/present petitioner could not produce any relevant document while procuring the certificate and the concerned A.D.O. also could not produce any land document before the Circle Officer on behalf of the petitioner.

It is submitted by the learned Additional Public Prosecutor that as per the

guidelines of the Government, pre-requisite condition is to provide or furnish land document before the authority concern to obtain the Paddy Procurement Certificate.

More so, from the statement of the witnesses it is seen that the A.D.O. did not verify any document while the Paddy Procurement Certificate was issued to the present petitioner.

In this context, the learned advocate for the petitioner submits that the A.D.O. might not have verified the documents while issuing the certificate but the present petitioner cannot be held responsible if the A.D.O. issued the certificate without any proper verification. However, it is a fact that the petitioner has the mutation over the said land for which he procured the Paddy Procurement Certificate.

After considering the submissions made by the learned counsel for both sides and considering the case diary and also considering the fact that the land has already been mutated in the name of the petitioner in the year 2019, I find it to be a fit case to extend the privilege of pre-arrest bail to the petitioner.

Accordingly, it is provided that in the event of arrest of the petitioner above named, in connection with the case aforementioned, he shall be released on furnishing bail bond of **Rs.20,000/-**, with **a suitable surety** of the like amount, to the satisfaction of arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioner:

- (a) shall appear before the Investigating Police Officer of concerned Police Station, within seven days from today and shall co-operate with the investigation;
- (b) shall not hamper with the investigation, or tamper with the evidence of the case;
- (c) shall not, directly or indirectly, make any inducement, threat or promise to any

person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

The anticipatory bail application stands disposed of accordingly.

Return the case diary.

JUDGE

Comparing Assistant