

GAHC010032332023



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

Case No. : AB/465/2023

UTPAL BHUYAN
S/O SRI BINOY BHUYAN
A RESIDENT OF HOUSE NO. 30, RASARAJ PATH NO. 2 BASISTHAPUR,
WIRELESS, P.S. HATIGAON, GUWAHATI-781029, IN THE DIST. OF KAMRUP
(M), ASSAM
MOBILE NO. 6901832631

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. T BARUAH

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

Date : 22-03-2023

Heard Mr. T. Baruah, learned counsel for the applicant. Also heard K. K. Das, learned Additional Public Prosecutor for the State respondent.

This application is filed under Section 438 of the Code of Criminal Procedure, 1973, praying for granting pre-arrest bail to the accused/applicant in connection with Sonapur P.S. Case No.474/2021, registered under Sections 468/471/34 of the Indian Penal Code.

Case diary has been received and I have perused the same.

It is submitted by the learned counsel for the applicant, Mr. T. Baruah, that on 20.07.2021, two brothers lodged an FIR before the Officer-in-charge of Sonapur Police Station alleging inter alia only with a intention to harass the present accused/applicant out of the grudge of the Civil case, which is pending for disposal before the Court of learned Civil Judge, No.2 Kamrup(M), Guwahati, i.e. Case No. Title Suit No.128/2019 and Misc.(J) Case No.257/2019. Further, the informant nephew named Ankur Rahang lodged an FIR with an allegation that the accused/applicant has kidnapped informant's father, mother and sister, which was also registered as Sonapur Police Station Case No.475/2021, registered under Sections 365/468/471/506 of the Indian Penal Code. Accordingly, after filing of the Title suit the informant again entered with another agreement with one Amrit Kaur for sale of the land by executing another agreement. Thus, the content of the FIR is false and concocted one.

It is also submitted by the learned counsel for the applicant that earlier anticipatory application No. A.B.2275/2021, filed by the accused/applicant was also rejected by this Court vide order dated 31.08.2021. Accordingly, the applicant prays for granting pre-arrest bail and also states there is no probability of absconding as he has enough moveable/immoveable property within the jurisdiction of this Court. And he is ready to co-operate the investigating agency as and when required, if, the pre-arrest bail is granted to him.

In this context, Mr. K. K. Das, learned Additional Public Prosecutor submits that the case diary reveals sufficient incriminating materials against the present accused/applicant and more particularly, it is informed that the thumb impression of Saila Rahang was taken in the blank paper. More so, it is also submitted by the learned Additional Public Prosecutor that his earlier bail prayer too was rejected by this Court due to availability of several incriminating materials in the case diary and also there is no any new development in the investigation of this instant case.

After hearing the submission made by the learned Advocates of both sides as well as perusing the case diary and the earlier bail rejection order passed by this Court, I find that there is no new development to be considered to grant the pre-arrest bail to the present accused/applicant. Thus, further, custodial interrogation of the accused/applicant may be necessary to unearth some more facts and accordingly, I am of the view that this is not a fit case, where, the privilege of pre-arrest bail can be granted to the accused/applicant at this stage and accordingly, the same stands rejected.

In view of above, this Anticipatory Bail application stands disposed of.

Case Diary be returned.

JUDGE

Comparing Assistant