

GAHC010105532023



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

Case No. : AB/1753/2023

RANSAI BRAHMA AND ANR
S/O LATE HAREN BRAHMA
R/O VILL- CHANDANA CHA BAGICH
P.O. UDALGURI
P.S. UDALGURI
DIST. UDALGURI, ASSAM
PIN-784509
2: PUJA BRAHMA
W/O RANSAI BRAHMA
R/O VILL- CHANDANA CHA BAGICHA
P.O. UDALGURI
P.S. UDALGURI
DIST. UDALGURI
ASSAM
PIN-78450

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, GOVT. OF ASSAM

Advocate for the Petitioner : MS H TERANGPI

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE MALASRI NANDI
ORDER

31.05.2023

Heard Ms H Terangpi, learned counsel appearing for the petitioners and Mr K K

Das, learned Additional Public Prosecutor for the State of Assam.

2. By this application filed under Section 438 CrPC, the petitioners, 1) Ransai Brahma and 2) Puja Brahma have sought for pre-arrest bail, who are apprehending their arrest in connection with Udalguri PS Case No. 75 of 2023, under Sections 468/420/406/120B/34 IPC.

3. It is submitted by the learned counsel for the petitioner that initially the petitioners had lodged an FIR against the present informant on 25.03.2023 and subsequently, the informant has lodged the complaint on 28.04.2023, alleging that she had given one room to the petitioners on rent at the rate of Rs. 2,000/- per month and the petitioners used to pay the rent monthly till March, 2023. As the complainant wanted to renovate the rooms and the boundary wall, so she requested the petitioners to vacate the room, but the petitioners took time to arrange for another room. However, on the second request made by the complainant, along with her neighbours, the petitioners started to quarrel and misbehave the complainant and lodged an FIR and submitted a forged signed agreement of sale alleged to be executed by the deceased husband of the complainant. Thus, it is alleged that the petitioners had criminally conspired and made a land sale agreement and pasted a forged signature of the complainant's deceased husband.

4. It is further submitted by the learned counsel for the petitioners that as the petitioners had initially lodged an FIR against the complainant, so to save herself from arrest and police investigation, the complainant had subsequently, lodged the complaint. Therefore, the learned counsel for the petitioners submits that as it is a case of civil nature, the petitioners may be extended the privilege of pre-arrest bail.

5. On the other hand learned Additional Public Prosecutor has fairly submitted that as custodial interrogation of the petitioners is not required, they may be granted pre-arrest bail.

6. I have heard the submissions made by the learned counsel for both the parties. I

have also perused the Case Diary as well as the documents annexed with the record.

7. In view of the facts and circumstances of the case and having regard to the submissions made by the learned counsel for both the parties, this Court is of the opinion that the privilege of pre-arrest bail can be extended to the petitioners, namely, 1) Ransai Brahma and 2) Puja Brahma, it is provided that in the event of arrest in connection with Udalguri PS Case No. 75 of 2023, the petitioners, namely, 1) Ransai Brahma and 2) Puja Brahma, shall be released on pre-arrest bail on executing a bond of Rs. 10,000/- (Rupees Ten Thousand)only each, with one surety each of like amount to the satisfaction of the arresting authority. The above privilege is, however, subject to the following conditions:

(i) the petitioners are directed to appear before the Investigating Officer within a period of 10 (ten) days from today.

(ii) that the petitioners shall make themselves available for interrogation by the Investigating Officer as and when required;

(iii) that the petitioners 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.

(iv) the petitioners shall not leave the jurisdiction of the Court, without prior permission of the Court. In case of violation of any of the above conditions by the petitioners, the learned Public Prosecutor is at liberty to move before this Court for cancellation of bail.

8. With the aforesaid observations and directions this Anticipatory Bail Application stands disposed of.

9. Send back the Case Diary.

JUDGE

Comparing Assistant