

GAHC010175322022



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

Case No. : I.A.(CrI.)/490/2022

SMT. PAROMITA PURKAYASTHA AND ANR.
W/O SRI ASHOK BIJOY PURKAYASTHA, R/O HOUSE NO. 17, PRINCE LANE
SONAI ROAD, SILCHAR, PIN-788006, P.S.-SILCHAR, DIST-CACHAR

2: SMT. BABITA DEB ROY
C/O SRI TAPAN KANTI CHANDRA
R/O MAHAPRABHU COLONY
MALUGRAM
SILCHAR
PIN-788002
SILCHAR
DIST-CACHA

VERSUS

BIJOY NUNIA AND 2 ORS
S/O LATE RAMPRASAD NUNIA, R/O BASHTILLA, SILCHAR, P.S. SILCHAR,
DIST. CACHAR, ASSAM

2:SMT. PURNIMA NUNIA
W/O SRI BIJOY NUNIA R/O BASHTILLA
SILCHAR
P.S. SILCHAR
DIST. CACHAR
ASSAM

3:THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSA

Advocate for the Petitioner : MS N SAIKIA

Advocate for the Respondent : MR. S C BISWAS

Linked Case : AB/1229/2022

BIJOY NUNIA AND ANR.
S/O LATE RAMPRASAD NUNIA

R/O BASHTILLA
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P.S. SILCHAR
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SILCHAR

P.S. SILCHAR
DIST. CACHAR
ASSAM
VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR. S C BISWAS
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

07.02.2023

This is a common order for these two items. By AB No. 1129/2022, the petitioners Bijoy Nunia and Smti. Purnima Nunia have prayed for pre-arrest bail under section 438 CrPC and they were given interim bail on 10.05.2022. By IA (Crl.) 490/2022, the applicants Smti. Paromita Purkayastha and Smti. Babita Debroy have prayed for cancellation of the said interim bail.

Heard the learned counsels Mr. S C Biswas as well as Ms. P. Goswami.

Four persons, namely, Smti. Paromita Purkayastha, Smti. Babita Debroy, Arghya Kamal Kar and Jaba Deb have alleged in the FIR that the petitioner Bijoy Nunia had taken particular amounts of money from them and sold plots of land to them. Sale Deeds are also executed. Later on, the informants came to know that Bijoy Nunia had already sold those plots of land to somebody else.

The Case Diary reveals a different story. It has been mentioned in the Case Diary that after purchasing plots of lands, the informants came to know that there is no road connection to the said plots of lands and therefore, the informants demanded return of the money.

Now, Bijoy Nunia is ready to return the money to the informants. He is ready to return the price as mentioned in the Sale Deeds. The informants have claimed that they actually paid a much higher price than it is shown in the Sale Deeds. So, they demanded the entire amount.

I have given my anxious consideration to the submissions made by the learned counsels for both sides.

I find that no criminal case is made out against Bijoy Nunia and his wife Purnima

Nunia. They do not deserve to be detained in custody in this case.

Therefore, their pre-arrest bail application is allowed.

The interim order dated 10.05.2022 is made absolute.

Without much deliberation, the prayer for cancellation of interim bail made by the informants is also rejected.

Both the matters are disposed of accordingly.

JUDGE

Comparing Assistant