

GAHC010177202023



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

Case No. : AB/2817/2023

RANJAN BORO
S/O- MANDHAR BORO,
R/O- DIGARU,
P.S- SONAPUR, DIST- KAMRUP(M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM

Advocate for the Petitioner : MR. N DUBEY
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 07-12-2023

Heard Mr. M. Ahmed, learned counsel appearing on behalf of Mr. N. Dubey, learned counsel for the applicant and also heard Mr. K.K.Parasar, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with Sonapur P.S. Case No.134/2023, under Section 420 /406/ 468 /471 of IPC, this application under Section 438 Cr.

P. C. is preferred by applicant, namely, Sri Ranjan Boro for grant of pre-arrest bail.

The above noted case has been registered on the basis of an FIR lodged by one Niloy Pranjal Bora on 09.07.2023.

The essence of allegation made in the FIR dated 09.07.2023, is that the applicant without being owner of a plot of land measuring Patta No.47Dag No.370 entered into an agreement with the informant for selling the said plot of land fixing the price at Rs. 33,00,000/- and received a sum of Rs. 11,00,000/-, from him, being the advance. Later on, he came to know that the applicant is not the owner of the aforementioned plot of land and he forged the signature of one Dayaram Murari and Chandra Murari for selling the plot of land to him and he also refused to return the advance, which the informant had paid to him.

The learned counsel for the applicant submits that this Court was pleased to extend interim protection to the applicant, vide order dated 16.8.2023, and pursuant to said order, the applicant had appeared before the I.O and he has been extending cooperation with the investigating agency, and therefore, it is contended to make the interim order dated 16.8.2023, absolute in same terms and condition.

Whereas, Mr. P. Borthakur, learned Addl. P.P. submits that the I.O. has collected sufficient incriminating materials against the applicant. However, Mr. Borthakur submits that material part of the investigation is almost over and the case is pending for collection of FSL report and Mr. Borthakur learned Addl. P.P. also confirmed that the applicant had appeared before the I.O. and he has been cooperating with the investigation agency.

The case diary reveals that the applicant had appeared before the I.O. and he has been cooperating with the investigating agency. Further it appears that

material part of the investigation seems to be almost over and there remains to collect the FSL report only. Under the aforesaid facts and circumstances, custodial interrogation of the applicant seems to be not warranted herein this case and therefore, the interim order dated 16.8.2023, is hereby made absolute, in the same terms and condition.

In terms of the above this A.B stands disposed of.

Case diary be returned.

JUDGE

Comparing Assistant