

GAHC010232592023



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

Case No. : AB/3161/2023

KRISHNA LASKAR
S/O- LATE THANESWAR LASKAR
R/O PACHANIJAR
P.S KAMRUP
DIST- NAGAON
ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P. ASSAM

Advocate for : MR S M ABDULLAH P
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

18.10.2023

Heard Mr. S.M. Abdullah P, learned counsel for the applicant and also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam, appearing for the State

respondent.

2. This application, under section 438 Cr.P.C. is preferred by accused, namely, Krishna Laskar, who has been apprehending arrest, in connection with Kampur P.S. Case No.127/2023, under Section 120(B)/420/468/471 IPC, for grant of pre-arrest bail.

3. It is to be noted here that the above noted case has been registered on the basis of an FIR lodged by one Diganta Kumar Goswami on 21.07.2023. The essence of allegation made in the aforesaid FIR is that his father late Prabhat Ch. Goswami suffered demise on 24.02.2019 leaving him and other legal heirs, but unfortunately five Sale Deeds were registered in the Sub-Registrar Office of Kampur after the death of his father by practicing fraud in the name of his father with the help of scribe, witnesses, identifiers of the Sale Deeds, in respect of the land belonging to his father and the purchasers were – Krishna Laskar, Krishna Kanta Bora and Padma Kanta Saikia.

4. Mr. Abdullah, learned counsel for the applicant, submits that the applicant is also one of the purchaser of a plot of land from the deceased person and that he is no way involved with the offence alleged in the FIR and he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. P. Borthakur, learned Additional Public Prosecutor has vehemently opposed the petition and submits that the applicant is the main culprit in the offence and at his instance, some of the purchasers have purchased the plot of land and he got the sale deed registered when the seller was no longer alive and his custodial interrogation is necessary to unearth the conspiracy and therefore, it is contended to dismiss the petition.

6. Having heard the submission of learned Advocates for both the sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Borthakur, learned Additional P.P.

7. It appears from the case diary that the I.O. has collected sufficient incriminating materials in support of the allegation made in the FIR. Further, it appears that he is the

main person in selling the land of the deceased to different purchasers and he himself also purchased a plot of land in his name and he has also received a sum of Rs.80,000/- and he is the main beneficiary of the aforesaid fraudulent Sale Deed and therefore, this Court is of the view that his custodial interrogation is indispensable to unearth the conspiracy and also to arrest the co-accused persons. And therefore, this Court is of the view that this is not a fit case to grant the privilege of pre-arrest bail. Accordingly, the petition stands dismissed.

8. In terms of above, the anticipatory bail application stands dismissed. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant