

GAHC010214272023



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

**Case No. : AB/3292/2023**

UTPAL BHUYAN  
SON OF SRI BINOY BHUYAN, A RESIDENT OF HOUSE NO . 30, RASARAJ  
PATH NO -2 BASISTHAPUR, WIRELESS, P.S. HATIGAON, GUWAHATI-  
781028, IN THE DISTRICT OF KAMRUP (M), ASSAM. MOBILE - 69018-32631  
E- ID- ADVTONMOYBARUAH@GMAIL.COM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

**Advocate for the Petitioner : MR. T BARUAH**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HON'BLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**09.11.2023**

Heard Ms. A. Das, learned counsel for the applicant and also heard Ms. A. Begum, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application under Section 438 Cr.P.C. is preferred by the applicant, namely,

Utpal Bhuyan, who has been apprehending arrest in connection with Hatigaon P.S. Case No.297/2023, under Section 120(B)/406/420/468 IPC, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Raktim Tarpan Hazarika on 11.09.2023. The essence of allegation made in the aforesaid FIR is that the applicant has executed two agreements for selling a plot of land to the informant and he has registered one agreement but did not register the other agreement, and he took a sum of Rs.22,72,000/-, but given a receipt of Rs.11,36,000/- only and he had intentionally given fraudulent address and Aadhaar Card, and thereby cheated him by not registering the second agreement and also he threatened him with dire consequences.

4. Ms. Das, learned counsel for the applicant submits that this Court was pleaded to extend the privilege of interim pre-arrest bail vide order dated 25.09.2023 and pursuant to the said order, the applicant had appeared before the I.O. and he has been cooperating with the investigating agency and therefore, it is contended to make the interim order, dated 25.09.2023, absolute, in the same terms and conditions.

5. On the other hand, Ms. A. Begum, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the I.O. has collected incriminating materials against the applicant and he has numbers of cases pending against him in land related matters and his custodial interrogation is required in the interest of investigation and the address furnished by him also demonstrably inaccurate in all the agreements and he has not been cooperating with the investigating agency and therefore, it is contended to dismiss the petition.

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

7. It appears that the applicant had appeared before the I.O. and he has been cooperating with investigating agency. The case diary also indicates that the I.O. has collected some materials in support of allegation made in the F.I.R., but in view of the fact

that the applicant has been extending cooperation with the investigating agency, his custodial interrogation seems to be not required here in this case and therefore, this Court is inclined to make the interim order dated 25.09.2023 absolute, in the same terms and conditions.

8. In terms of above, this anticipatory bail application stands disposed of.
9. Case diary be returned.

**Sd/- Robin Phukan**  
**JUDGE**

**Comparing Assistant**