

GAHC010222912023



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

Case No. : AB/3399/2023

MUSSTT. MUNU BEGUM
D/O LATE RIYAZ ALI,
R/O MILAN PATH, DWARANDHA, P.O.- KHANAPARA, P.S.- DISPUR,
GUWAHATI. DIST.- KAMRUP (M), ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM.

Advocate for the Petitioner : MR M J QUADIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

18.12.2023

Heard Mr. H.R.A. Choudhury, learned Senior Counsel, assisted by Mr. M.J. Quadir, learned counsel for the petitioner.

Learned Senior Counsel for the petitioner has submitted that the petitioner was allowed to go on interim anticipatory bail, by order dated 04.10.2023 by a

co-ordinate bench of this Court and in pursuant to the directions of the said order, the petitioner has appeared before the Investigating Officer and has co-operated in the investigation. Therefore, the learned Senior Counsel for the petitioner prays for making the interim anticipatory bail absolute.

On the other hand, learned Additional Public Prosecutor has produced the case diary of Dispur P.S. Case No. 1158/2023 and has submitted that the petitioner is not co-operating in the investigation as she has not yet produced the original gift deed before the Investigating Officer which is alleged to be forged because it has been taken away by some goons.

Learned Senior Counsel for the petitioner has also submitted that the sister of the petitioner, namely, Hanufa Begum has also lodged an FIR on 18.08.2023 alleging that one Mazammil Haque along with some of his goons came to the plot of land where they trespassed into the house of the petitioner and house of the informant, namely, Hanufa Begum and destroyed all articles.

It is further submitted by the learned Senior Counsel that the said FIR was not registered by the Officer-In-Charge of Dispur Police Station and thereafter, on 19.10.2023, the said Hanufa Begum lodged a complaint alleging that the gift deed has been taken away by the accused persons named in the FIR in the said complaint along with some other goons.

Mr. U.J. Saikia, learned counsel for the informant has also opposed the making of the interim anticipatory bail absolute on the ground that the petitioner has indulged in committing forgery of other documents also, like the affidavit which was submitted while taking electricity connection before the APDCL.

I have considered the submissions made by the learned Senior Counsel for the petitioner and the learned Additional Public Prosecutor as well as the

learned counsel for the informant, who is opposing the grant of bail to the present petitioner.

It appears that in pursuant to the directions of this Court, the petitioner has appeared before the Investigating Officer and she was allowed to go on bail after affecting her arrest. However, surprisingly, her statement was not recorded by the Investigating Officer in spite of the fact that she appeared before the Investigating Officer.

It also appears that though there are materials in the case diary against the present petitioner, however, the entire allegations are based on the allegations of making forged documents and the copies of the said documents is with the present petitioner and the photocopy of the said document has been furnished to the Investigating Officer and in view of the fact that the sister of the present petitioner has also lodged a complaint petition alleging therein that all the land documents has been taken away by one Mazammil Haque and his associates, the petitioner may not be detained in custody only for the reason that she has failed to produce the original document before the Investigating Officer.

It is also relevant to note that though in the First Information Report against the present petitioner was lodged by Mofida Ahmed, the printed format of the FIR has been signed by said Mazammil Haque against whom the sister of the present petitioner had lodged a complaint case.

This Court is of the considered opinion that her custodial detention may not be necessary, if she co-operates with the Investigating Officer in fair completion of the investigation.

Hence, the interim anticipatory bail granted to the petitioner, by order dated 04.10.2023 by a co-ordinate bench of this Court is hereby made absolute

with a condition that the petitioner shall co-operate with the Investigating Officer.

With the above observation, this anticipatory bail application is hereby disposed of.

Send back the case diary.

JUDGE

Comparing Assistant