

GAHC010254602023



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

Case No. : AB/3893/2023

PADUM SARMA @ PADUMI SARMA
S/O SHRI ARBINDA SARMA
R/O TATLICHARA
P.O. AND P.S. KAMRUP,
DIST. NAGAON, ASSAM
PIN-782426

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A Y CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

22.12.2023

Heard Mr T A Choudhury, learned counsel for the petitioner, Padum Sarma @
Padumi Sarma.

2. The petitioner has filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as he is apprehending arrest in connection with Kampur PS Case No. 127/2023, dated 21.07.2023, under Sections 120(B)/420/468/471 IPC.
3. Heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam.
4. It is submitted that the earlier bail petition was rejected vide order dated 04.10.2023 in connection with AB No. 3326/2023 and the petitioner has filed this pre-arrest bail petition on fresh ground by annexing Annexure-3 of the petition, which is the Deed of Agreement for sale of land.
5. I have considered the submissions at the Bar with circumspection. I have also scrutinized the Case Diary.
6. The FIR unfolds that a parcel of land belonging to the informant's father was sold after his death on 24.02.2019. The informant being legal heir, later learnt that the present petitioner purchased a plot of land belonging to the informant's father on 02.03.2019. It is alleged by the informant that the sale deed has been fraudulently executed.
7. It is submitted on behalf of the petitioner that he was not aware of the fraudulent activities relating to the forged sale deed. The Annexure-3 was executed between Krishna Bora and the present petitioner and Rs. 2 lacs was paid as advance in presence of witnesses, Sri Alakananda Laskar and Sri Manoj Kumar Nath for sale and purchase of the land vide Deed No. 16AA082908 and the consideration for the sale of the plot of land ad-measuring 1 Katha appertaining to Patta No. 270 and Dag No. 334, was Rs.

3,40,000/-.

8. The learned Additional Public Prosecutor has raised objection against the bail petition, stating that there are incriminating materials in the Case Diary against the petitioner.

9. I have considered the submissions at the Bar with circumspection. I have also perused the Case Diary.

10. Indeed, there are incriminating materials in the Case Diary, against the petitioner. However, investigation has progressed to a considerable extent.

11. I have also considered the prayer for bail on the ground of parity, as the co-accused, Padma Kanta Saikia was granted pre-arrest bail by this Court, vide order dated 18.10.2023, in connection with AB No. 3499/2023.

12. It appears that further custodial interrogation of the petitioner may not be required for the progress of investigation.

13. In view of my foregoing discussions, petition is allowed. In the event of his arrest, the petitioner shall be enlarged on bail of Rs. 30,000/- with a suitable surety of the like amount to the satisfaction of the arresting authority under the conditions that:-

i) the petitioner shall appear before the IO within 10 (ten) days and cooperate with the investigation, and

ii) the petitioner shall refrain from such activities with which he is

alleged.

iii) the petitioner shall not tamper with the evidence, and

iii) the petitioner shall not leave the jurisdiction of the Court, without prior permission from the jurisdictional Court, till completion of trial.

On breach of any of the bail conditions, the bail order shall stand cancelled.

10. Anticipatory Bail Application stands disposed of.

11. Send back the Case Diary.

JUDGE

Comparing Assistant