

GAHC010008562024



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

**Case No. : AB/151/2024**

MD MANSUR ALI  
S/O LATE MIYA HUSSAIN  
R/O VILL- NO. 2 KHARGHULI, AMGAON  
P.S. PRAGJYOTISHPUR, GUWAHATI, DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. R SARMA**

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

**BEFORE**  
**HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

**ORDER**

**29.01.2024**

Heard Mr. R. Sarma, learned counsel for the petitioner. Also heard Mr. D. Das, learned Addl. Public Prosecutor, appearing for the State of Assam.

This is an application under Section 438 of the Code of Criminal

Procedure, 1973 seeking grant of pre-arrest bail to the petitioner, namely, Md. Mansur Ali who is apprehending arrest in connection with Pragjyotishpur Police Station Case No. 157/2023 registered under Sections 120 B/ 447 /34 /206 / 466 /465 /468 /471 /472 /294 /506 of the IPC.

The case of the prosecution is that the accused / petitioner along with other co-accused have shown another lady as the Attorney Holder of the informant and managed to get the subject land belonging to the informant sold and mutated in another's name.

Mr. Sarma, the learned counsel for the petitioner submits that he had purchased the subject land through the Power of Attorney Holder by registered Sale Deed No. 145 dated 05.06.2009 and thereafter sold it to one Subal Chandra Dey. He further submits that he has no any connection with the said plot of land thereafter. He submits that on 22.05.2017, the informant had filed an F.I.R. alleging that the accused / petitioner by committing forgery has sold her land along with other co-accused and accordingly a case was registered as Pragjyotishpur P.S. Case No. 74/2017 registered under Sections 120 (B)/468/420 of IPC whereafter charge sheet has been submitted and a trial has already commenced and is pending. He further submits that the present F.I.R. is in connection with the same plot of land which is about 15 bighas of miyadi patta land, out of which the informant had sold 5 bighas of land and remaining 10 bighas of land was still in her name. He further submits that the petitioner is not any way connected with the present F.I.R and though he had purchased a plot of land measuring 2 katha 10 lechas covered by Dag No. 4 of K.P. Patta No. 1 of village Bonda under Mouza- Beltola in the district of Kamrup (M), Assam with the registered Sale Deed No. 145 dated 05.06.2009 executed by the Power

of Attorney Holder of the informant but subsequently, the accused / petitioner had transferred the said plot of land and handed over the possession of the said plot of land to the respective purchaser. He further submits that the F.I.R is vague and has no specific disclosure of area / schedule. He further submits that though the petitioner / accused is not any way connected in the present F.I.R, but since he was charge sheeted person in the earlier two cases pursuant to the F.I.R lodged by the informant, the petitioner / accused person is also dragged in the present F.I.R.

Mr. D. Das, learned Addl. Public Prosecutor, Assam on the other hand strongly opposes the prayer for pre-arrest bail. He submits on the basis of the Case Diary received that there are materials available on record indicating that the present petitioner/ accused along with other co-accused fraudulently sold part by part about 10 bighas of land of the informant without her knowledge. He further submits that the investigation is at an active stage and if anticipatory bail is granted to the petitioner / accused at this stage, the same shall hamper the ongoing investigation.

I have considered the submissions made at the bar and have perused the materials available on record. The allegations are serious and grave involving fraudulent property transactions. It appears from the materials available on record that there are materials implicating the involvement of the accused / petitioner in the offence alleged. It further appears that the accused / petitioner is already facing trial in respect of similar offence alleged. It is imperative to unearth the truth. Considering that the investigation is at an active stage, this Court is not inclined to grant anticipatory bail to the petitioner at this stage.

Accordingly, the prayer of anticipatory bail stands rejected.

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

**JUDGE**

**Comparing Assistant**