

GAHC010020922024



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

Case No. : AB/245/2024

JAKIR HUSSAIN
S/O- SORHAB ALI, R/O KALARCHAR, P/O KALARCHAR, P/S MUKALMUA,
DIST NALBARI, ASSAM, PIN 781312 PH NO - 9577726468

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR K THAKUR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

23.02.2024

Heard Mr. K. Thakur, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

This application, under Section 438 of the Code of Criminal Procedure, 1973, for grant of pre-arrest bail to the accused/ petitioner, who is apprehending arrest in connection with Garchuk P. S. Case No. 375/2023 under Sections 120(B)/420/407/468/409 of the Indian Penal Code.

The Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioner, Mr. Thakur, that the petitioner is no way involved in the alleged offence neither he had forged any document as alleged in the FIR. He is a registered owner of the said plot of land paying the land revenue of the said plot of land mentioned in the FIR. He is still ready and willing to co-operate with the I.O. in further investigation of the case, if he is granted with the privilege of interim pre-arrest bail.

On the other hand, Mr. Das, learned Additional Public Prosecutor has submitted that the Case Diary reveals that the accused/petitioner had mutated his name fraudulently in the sale deed with the help of some revenue staff. Accordingly, he raised objection in granting interim protection to the accused/petitioner.

After hearing the submission made by the learned Advocates of both sides as well as perusing the Case Diary and statement of the I.O., I find that custodial interrogation of the accused/petitioner is necessary to unearth some more facts of the case and accordingly, I am of the view that this is not a fit case, where, the privilege of pre-arrest bail can be granted to the accused/petitioner at this stage and accordingly, the same stands rejected.

In view of above, this Anticipatory Bail application stands disposed of.

Case Diary be returned.

JUDGE

Comparing Assistant