

GAHC010031302024



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

Case No. : AB/423/2024

ANIL MUCHAHARY
R/O - LALMATI, P.S - BASISTHA, DIST- KAMRUP (M) GHY -781029

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N DUBEY

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

04.03.2024

Heard Mr. N. Dubey, learned counsel for the petitioner. Also heard Mr. D. Das, learned Addl. P.P, Assam.

This is the second application under Section 438 of Cr.PC for granting pre-arrest bail to the petitioner, namely Anil Muchahary, who was apprehending arrest in connection with Garchuk P.S. Case No. 325/2023 registered under Section 120B/467/468/447 of IPC.

The case of the prosecution is that on 01.12.2023, an FIR was lodged alleging that the petitioner along with the other co-accused has prepared false documents and sought to grab the land of the informant.

Mr. N. Dubey, learned counsel for the petitioner submits that the petitioner is wrongly implicated in the matter and in connection with another FIR being Garchuk P.S. Case No. 324 /2023, he has been granted interim pre-arrest bail by this Court by Order dated 09.02.2024.

Mr. D. Das, learned Addl. P.P on the other hand strongly opposes the prayer for pre-arrest bail. He submits on the basis of the materials available on the Case Diary that there are implicating materials collected against the petitioner by the Investigating Officer and the investigation is at an initial stage and accordingly, he submits that if the petitioner is released on anticipatory bail, the on-going investigation is likely to be hampered. He further submits that the

petitioner is a habitual offender of the offence alleged.

I have heard the submissions made at the bar and have perused the materials available on record.

It appears that the petitioner is habitually involved in offences of similar nature. It appears from the statement of the co-accused that the petitioner is involved in grabbing the land of the informant. The investigation being at a crucial stage, this Court is of the opinion that the petitioner has not made out a case for grant of anticipatory bail.

Accordingly anticipatory bail application at this stage is rejected and disposed of.

JUDGE

Comparing Assistant