

GAHC010032372024



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

Case No. : AB/390/2024

REKIBUR ZAMAN
S/O LATE RAHMAN ALI
R/O VILL- GARIGAON, ORTOL
P.S. JALUKBARI
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A K AZAD

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 04.03.2024

Heard Mr. A. K. Azad, learned counsel for the applicant. Also heard Mr. B. Sharma, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with the **Azara P.S. Case No. 08/2024**, under Sections 120[B]/420/466/468 of the IPC this application,

under Section 438 of the Code of Criminal Procedure, 1973, is preferred by accused/applicant, namely, **Rekibur Zaman** for grant of pre-arrest bail.

3. The aforementioned case has been registered on the basis of an F.I.R., lodged by one Kumar Gaurav, Managing Director of Amar Shakti Commerce & Industries Ltd. on 09.01.2024.

4. The essence of allegations made in the FIR dated 09.01.2024, is that his company has decided to purchase a plot of land measuring 03 katas 05 lechas covered by Dag No. 1375 and K.P. No. 19 situated at Dharapur Majoli Village, at the instance of Rajul Ahmed, from one Atiqur Rahman, the Power of Attorney holder of the owner of the said land namely, Harun Rashid, and entered into an agreement. But, he could not proceed further and entrusted the work of execution of sale deed to Rajul Ahmed, Atiqur Rahman and Rekibur Zaman @ Zamar and finally sale deed was executed on 17.04.2021. In the year 2023, they also took his signature on an application for mutation of the said land and thereafter, they have handed over a copy of Jamabandi to him showing the name of Company as pattadar. Thereafter, he received one notice from Circle Officer, Azara in connection with ARC Case No. 2023/720, and on 21.12.2023, his counsel had appeared in the said hearing and collected some documents and on perusal of the same he came to know that sale deed and sale permission is different from the originals which are available with him. And now he has reasons to believe that some persons have committed fraud with the company in the entire sale process.

4. Mr. A.K. Azad, learned counsel for the applicant submits that the applicant is no away involved with the offence alleged in the FIR and that the applicant is ready to cooperate with the investigating agency and that arrested co-

accused have already been granted bail and therefore, it is contended to allow the petition.

5. On the other hand, by producing the Case Diary before this Court, Mr. B. Sharma, learned Additional Public Prosecutor submits that the investigation is still going on and custodial interrogation of the applicant is necessary to unearth the racket and to apprehend the co-accused, who are also involved in the offence, and therefore, it is contended to dismiss the petition.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary produced before this Court with the assistance of learned Additional Public Prosecutor.

7. The case diary indicates that the IO has collected sufficient incriminating materials against the applicant. The investigation is still going on. And in the interest of investigation custodial interrogation of the applicant seems to be indispensable.

8. Having considered above, and also considering the enormity of the offence this Court is of the view that this is not a fit case where the privilege of pre-arrest bail can be extended to the applicant. And accordingly, the petition stands dismissed.

9. Case diary be returned.

JUDGE

Comparing Assistant