

GAHC010034112024



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

Case No. : AB/400/2024

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. U K GOSWAMI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

14.03.2024

Heard Mr. S. Sarma, learned counsel for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State of Assam.

This is an application under Section 438 of Code of Criminal Procedure, 1973, filed by the petitioner, namely, Mansur Ali, for granting of pre-arrest bail to the accused petitioner, who is apprehending his arrest, in connection with Pragjyotishpur P.S. Case No. 157/2023, registered under Section 120B/447/34/206/466/465/468/471/472/294/506 of the Indian Penal Code (GR Case No. 8806/2023).

The case of the prosecution is that the informant on 29.11.2023 filed an FIR alleging that she has a plot of land measuring 15 Bighas covered by Patta No. 1 situated at No. 2, Bonda Grant, Amingaon out of which, she had sold 5 Bighas of land and the remaining 10 Bighas of land is still lying in her name.

It is further alleged that while some people encroached for her said remaining plot of land, she had instituted two cases, being Pragjyotishpur P.S. Case No. 74/2017 and Pragjyotishpur P.S. Case No. 75/2017 respectively against the FIR named persons, along with the petitioner, i.e. Mansur Ali.

It is further alleged that the said two cases are under trial before the respective courts.

It is further stated that one Saikia title person, along with other miscreants had misappropriated and obtained false documents and made false sale deed etc. and managed the court of the District Commissioner and the office of the Registry and occupied the subject land.

Accordingly, a case has been registered.

Mr. S. Sharma, learned counsel for the petitioner submits that for the same plot-of-land, the informant had already filed 2(two) cases which are under trial.

Mr. D. Das, learned Additional Public Prosecutor, Assam fairly submits that these 2(two) cases are relating to the same plot of land which are already under

trial.

Considering the aforesaid cases and case of the case, custodial interrogation of the petitioner is not justified.

Accordingly, it is provided that in the event of arrest, the petitioner named above, shall be released on pre-arrest bail in connection with the above noted case on furnishing bail bond of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the arresting authority, subject of course to conditions:-

- (i) the petitioner shall appear before the Investigating Officer within 7 days failing which failing which from the 8th day, the pre-arrest bail shall have no force;
- (ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from deposing against the petitioner in the pending trial against them; and
- (iii) the petitioner shall refrain from committing any offence similar to that with which he has been accused of in the instant case.

With the aforesaid observations and directions, this anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant