

GAHC010036072024



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

Case No. : AB/442/2024

SHRI KISHOR KUMAR SARMA
S/O LT. BIJOY CHANDRA SARMA
R/O H. NO. 8, NARENGI TINIALI,
SAMANNAY PATH,
P.S. NOONMATI, DIST.KAMRUP (M), ASSAM, GHY-26

VERSUS

THE STATE OF ASSAM
REP.BY THE PP, ASSAM

Advocate for the Petitioner : MR. P K DEKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 09-04-2024

Heard Mr. P.K. Deka, learned counsel for the petitioner Shri Kishor Kumar Sarma.

2. The petitioner has filed this application under Section 438 of the Code of Criminal Procedure, 1973 with a prayer for pre-arrest bail as he is apprehending

arrest in connection with Pragjyotishpur Police Station Case No. 24/2024 registered under Sections 120(B)/468/419/471/472/473 of the Indian Penal Code, 1860.

3. Heard Mr. R. R. Kaushik, learned Additional Public Prosecutor for the respondent State.

4. It is submitted by the Additional Public Prosecutor that the petitioner has appeared before the Investigating Officer and his statement has been recorded.

5. It is submitted by Mr. Deka, the learned counsel for the petitioner that the petitioner is accused No. 5 of the instant FIR and he is a bona fide purchaser of the land and he has committed no offence as alleged in the FIR. He has obtained no objection certificate and other documents relating to power of attorney and mutation certificate issued in favour of the land owners. Thereafter, he entered into an agreement for purchase of land measuring 1 Khata out of 2 Bighas 2 Kathas under Dag No. 91 covered by KP Patta No. 22 of Village Kharguli under Mouza Beltola in the District of Kamrup (Metro), Guwahati. He received a notice under Section 41(A) Cr.P.C. and accordingly he appeared before the I.O. and his statement has been recorded under Section 161 of the Cr.P.C. He further submits that the petitioner is ready and willing to co-operate with the I.O., if the privilege of pre-arrest bail is granted to him.

6. I have considered the submissions that the petitioner has cooperated with the trial and he has not violated any bail conditions.

7. I have perused the Case Diary.

8. Investigation has also progressed to a considerable extent. It appears that custodial interrogation may not be required.

9. In view of my foregoing discussion, the order dated 23.02.2024 is hereby

made absolute.

Send back the Case Diary.

Anticipatory Bail application stands disposed of in the above terms.

JUDGE

Comparing Assistant