

GAHC010042332024



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

**Case No. : AB/506/2024**

DHAIRJYA RAM DEKA AND ANR  
S/O LATE BAHU RAM DEKA  
RESIDENT OF VILLAGE BORGAON, PO DORA KOHRA, PS KAMALPUR,  
CHANGSARI, DIST KAMRUP R ASSAM

2: ASHOK DEKA  
S/O DHAIRJYA RAM DEKA  
RESIDENT OF VILLAGE BORGAON  
PO DORA KOHRA  
PS KAMALPUR  
CHANGSARI  
DIST KAMRUP R ASSA

VERSUS

THE STATE OF ASSAM  
REP BY THE PP ASSAM

**Advocate for the Petitioner : MD IMRAN**

**Advocate for the Respondent : PP, ASSAM**

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**BEFORE**  
**HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

**ORDER**

**Date : 24-05-2024**

Heard Mr. S.H. Sikdar, learned counsel for the petitioners.

2. The petitioners namely 1. Dhairjya Ram Deka and 2. Ashok Deka, have

filed this application under Section 438 of the Code of Criminal Procedure, 1973 with a prayer for pre-arrest bail as they are apprehending arrest in connection with Bangagarh Police Station Case No. 322/2022 under Sections 406/420/409 of the Indian Penal Code, 1860.

3. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State.

4. The allegation is that a loan of Rs.30,25,000/- (Rupees Thirty Lacs Twenty Five Thousand) was sanctioned by the State Bank of India, Guwahati on 03.07.2017 for construction of an RCC building over a plot of land. It is alleged that a mortgage was created over the plot of land by fraudulently stating that the land belongs to the petitioners whereas the land does not belong to the petitioners.

5. I have considered the submissions at the bar with circumspection.

6. The petitioners who were on interim bail have appeared before the Investigating Officer and their submissions have been recorded. I have considered that the petitioners have not violated any bail conditions. I have scrutinized the Case Diary which reveals that investigation has progressed to a considerable extent.

7. It is submitted on behalf of the petitioners that the petitioners are land owners and they have also admitted that they have obtained the loan. The petitioners are local residents and they have pledged to cooperate with investigation.

8. In view of my foregoing discussions, the interim order dated 13.03.2024 is hereby made absolute.

9. In the above terms and observations, this Anticipatory Bail application stands disposed of.

10. Send back the Case Diary.

**JUDGE**

**Comparing Assistant**