

GAHC010050312024



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

Case No. : AB/652/2024

BHAITI RABIDAS
S/O JAGARU RABIDAS, R/O GORUBANDHA, P.S.-JAKHALABANDHA, DIST-
NAGAON (ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS. G BORAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 09.04.2024

Heard Ms. G. Borah, learned counsel for the applicant. Also heard Mr. B. Sarma, learned Addl. Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Jakhalabandha P.S. Case No. 17/2024, under Sections 120B/420/406/384/506/34 of the IPC, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Bhaiti

Rabidas, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Rantu Saikia and Jitumoni Borah on 27.02.2024. The essence of allegation made in the FIR dated 27.02.2024, is that one Pankaj Phukan, Papu Kalita and Bipul Handique have purchased a plot of land belonging to Smt. Anima Saikia, wife of Rantu Saikia, and they have not been paying the entire price of the same and dragging the matter for years together, and that accused Papu Kalita and Bipul Handique have already taken a sum of Rs. 90,000/- as brokerage fee and one Bhaiti Rabidas is also working as land broker and he also use to drag the owners of land without paying the price of the land, and that one Durga Rabidas also purchased a plot of land, measuring 6 kathas in the year 2021 from Rantu Saikia and he has not been paying any price for the same.

4. Ms. Borah, learned counsel for the applicant submits that the applicant is innocent and no way involved with the offence alleged in the FIR, and that some of the co-accused who were arrested here in this case, have already been granted bail by this Court, vide order dated 07.03.2024 in Bail Appln. No. 670/2024, and that the applicant is ready to cooperate with the investigating agency, and therefore, it is contended to allow the application.

5. On the other hand, Mr. B. Sarma, the learned Addl. Public Prosecutor has produced the case diary before this Court and submits that the I.O. has collected some materials in support of the allegation made in the FIR, and therefore, Mr. Sarma has opposed the application.

6. Having heard the submission of learned Advocates of both sides, I have gone through the application and the documents placed on record and also perused the case diary with the assistance of Mr. B. Sarma, learned Addl. Public

Prosecutor.

7. The case diary indicates that the allegations are specifically against one Pankaj Phukan, Papu Kalita and Bipul Handique, though there is accusation against the present applicant also in respect of his involvement in brokering activities and non-payment thereof. However, in view of the materials collected so far in the case diary against the present applicant as well as the stage of investigation, custodial interrogation of the applicant seems not to be warranted here in this case and therefore, this Court is inclined to allow the application.

8. Accordingly, it is provided that in the event of arrest of the applicant in connection with Jakhalabandha P.S. Case No. 17/2024, under Sections 120B/420/406/384/506/34 of the IPC, he shall be released on pre-arrest bail on executing a bond of Rs. 50,000/- with one surety of like amount to the satisfaction of the arresting authority. The above privilege is, however, subject to the following conditions:

- (i) The applicant shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- (iii) The applicant shall not leave the jurisdiction of the learned SDJM(M), Kaliabor without prior permission.

9. In terms of above, this application stands disposed of.

10. Case diary be returned.

JUDGE

Comparing Assistant