

GAHC010064272024



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

Case No. : AB/728/2024

MAMANI DEKA
D/O BANDHURAM DEKA
R/O VILL- BAMUNKUCHI
P.O. BAMUNKUCHI
P.S. PATACHARKUCHI

DIST. BAJALI
ASSAM
PIN-781326

VERSUS

THE STATE OF ASSAM
REP BY THE PP
ASSAM

Advocate for : MR. M KALITA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 20.04.2024

- 1.** Heard Mr. M. Kalita, learned counsel for the petitioner. Also heard Mr. M. P. Goswami, learned Additional Public Prosecutor for the State.
- 2.** This application under Section 438 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Smti. Mamani Deka who is apprehending his arrest in connection with Basistha P.S. Case No. 689/2023 registered under Sections 120(B)/420/468/471 of Indian Penal Code.
- 3.** The gist of accusation in this case is that on 07.11.2023 one Pradip Gogoi had lodged an FIR before the Officer-in-Charge of Basistha Police Station, inter-alia, alleging that, that, one Ranjana Gogoi, who is the wife of the first informant, had purchased a plot of land measuring 1 katha, 14 Lachas, covered by Dag No. 52 of KP Patta No. 44 of Revenue Village, Sarusajai, under Mauja Beltola, by executing Deed No. 1654 dated 18.03.1994, and said land was mutated in the name of Ranjana Gogoi.
- 4.** However, it came to the notice of the first informant that the petitioner and one Tapash Chaudhary tried to encroach the land on the strength of a forged and backdated Sale Deed No. 6517/1994.
- 5.** It is alleged that a group of people are engaged in preparing forged, backdated sale deeds, in collusion with the staff of Sub-Registrar's Office, Kamrup (M) with a view to forcefully capture the land belonging to genuine purchaser and pattadars.
- 6.** Learned counsel for the petitioner has submitted that the petitioner had purchased a plot of land measuring about 3 katha, from one Dayal Chandra Shil

in the year 1998, by executing the sale deed No. 6517/1998.

7. Learned counsel for the petitioner has also produced a certified copy of the said sale deed, and has submitted that the allegations levelled against the present petitioner in the FIR are false, and she is the owner of the said plot of land.

8. It is also submitted by learned counsel for the petitioner that the petitioner shall co-operate in the investigation and hence, may be allowed to go on anticipatory bail as she is apprehending her arrest in connection with the aforesaid case.

9. On the other hand, learned Additional Public Prosecutor, has produced the case diary of, Basistha P.S. Case No. 689/2023, and has submitted that though the Investigating Officer has seized the certified copy of the sale deed from the Office of Sub-Registrar, however, the original copy of the sale deed bearing No. 6517/1998 could not be found.

10. Learned counsel for the petitioner has also submitted that the petitioner has also filed a title suit before the court of Civil Judge No. 1, Kamrup (M) which was registered as Title Suit No. 209/2023 against the complainant Ranjana Gogoi who is arraigned as defendant No. 2 in the same Title Suit.

11. On perusal of the case diary of Basistha P.S. Case No. 689/2023, it appears that the investigation has fairly progressed and as the allegation is regarding forgery of the deed which the present petitioner claims to be genuine, the custodial detention of the present petitioner does not appear to be necessary.

12. In view of above the petitioner is directed to cooperate with the Investigating Officer of Basistha P.S. Case No. 689/2023 and in the event of her arrest in connection with Basistha P.S. Case No. 689/2023, the above named

petitioner shall be allowed to go on bail of Rs.30,000/- (Rupees Thirty Thousand) only with one surety of like amount to the satisfaction of the arresting authority, subject to the conditions:-

- (i) That the petitioner shall appear before the Investigating Officer and shall cooperate in the investigation;
- (ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any other persons who may be acquainted with the facts of the case so as to dissuade such persons from disclosing such facts before the Investigating Officer or any court.

13. With above observation this anticipatory bail application is hereby disposed of.

14. Let the certified copy of the sale deed produced by the learned counsel for the petitioner be kept as a part of this case record.

JUDGE

Comparing Assistant