

GAHC010089402024



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

Case No. : AB/1149/2024

KAMAL BEZBARUAH
S/O LATE SURENDRA NATH BEZBARUAH
RESIDENT OF KEHENIPARA, PS BAIHATA CHARIALI, DIST KAMRUP
ASSAM 781121

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MR. T N DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 28-05-2024

- 1.** Heard Mr. T.N. Das, learned counsel for the petitioner.
- 2.** The petitioner, namely, Kamal Bezbaruah has filed an application u/s 438 Cr.PC with prayer of pre-arrest bail as he is apprehending arrest in connection

with Baihata Chariali Police Station Case No. 72/2024 under Sections 120(B)/420/421/422/423/386/387/506 IPC.

3. Heard Mr. R.R. Kaushik, learned Addl. P.P., Assam.

4. It is submitted on behalf of the petitioner that the plot of land which is the main cause of dispute between both the parties has been sold by the informant's father-in-law to the petitioner. The Annexure-11 is the minutes of the meeting which clearly reflects that a meeting was held after the present FIR was lodged against the petitioner and a resolution was adopted in the meeting.

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

6. The FIR unfolds that a loan was taken by the informant from the petitioner and later the petitioner's wife increased the rate of interest from 10% to 20%. Fraudulently the petitioner took possession of the informant's land on the pretext that the informant is unable to repay the entire loan. Fraudulently signatures of the informant's husband were also obtained by the petitioner and the petitioner also acted in an aggressive manner by assaulting the informant's husband which resulted in the instant case.

7. I have considered the submissions that the petitioner is willing to cooperate with the investigation. The petitioner is a local resident and he is not a flight risk. I have scrutinised the Case Diary. Investigation has also progressed to a considerable extent. It appears that custodial interrogation may not be required for further investigation.

8. Considering all aspects and in view of my foregoing discussions, petition is allowed. In the event of arrest, the petitioner shall be enlarged on bail of Rs 30,000/- with a suitable surety of like amount to the satisfaction of the arresting

authority under the conditions that:-

- i. The petitioner shall appear before the IO within 7 (seven) days and co-operate with the investigation;
- ii. the petitioner shall not exercise threats to the informant and try to influence the witnesses;
- iii. the petitioner shall refrain from such activities with which he is alleged; and
- iv. the petitioner shall not leave jurisdiction of the Court without prior permission till completion of investigation.

On breach of any bail conditions, bail order shall stand cancelled.

Send back the Case Diary.

JUDGE

Comparing Assistant