

GAHC010090892024



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

Case No. : AB/1260/2024

TAPASH CHOUDHURY
S/O LATE JYOTISH CHOUDHURY
R/O VIDYA MANIDR PATH,
H/NO. 15, BIKASH NAGAR, BHETAPARA, P.S. BASISTHA
GUWHATI-29, DIST. KAMRUP (METRO), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : L K BORAH

Advocate for the Respondent : PP, ASSAM

B E F O R E
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

13.06.2024

Heard Mr. L.K. Borah, learned counsel for the petitioner. Also heard Mr. B.B.Gogoi, learned Addl. Public Prosecutor for the State respondent.

2. This is an application under Section 438 of CrPC, 1973 for granting pre-arrest bail to the petitioner i.e. Sri Tapash Choudhury, who is apprehending arrest in connection with Azara Police Station Case No. 261/2023 registered under Sections 120(B)/420/466/467 of IPC.
3. The case of the prosecution is that the informant lodged an FIR on 29.11.2023 alleging inter alia that the three accused persons named therein submitted a fake Deed in Misc(J) Case No. 464/2023 in TS No. 277/2023 before the Civil Court in Guwahati.
4. It is the further case of the prosecution that the said Fake Deed is connected with the said accused persons and the petitioner is an alleged land mafia.
5. Mr. L.K. Borah, learned counsel for the petitioner submits that the petitioner is not named in the FIR and that he has been falsely implicated in the case.
6. Mr. B.B.Gogoi, learned Addl. PP fairly submits that the materials available in the Case Diary does not indicates any adverse material at this stage against the petitioner.
7. Heard the parties and perused the materials available on record.
8. It appears that there are no adverse materials collected at this stage by the Investigating Officer against the petitioner. It further appears that though the petitioner has been alleged as a 'Land Mafia' in the FIR, however, during investigation, the Investigating Officer has not collected any materials whatsoever in support of such allegation.
9. That being so, this Court is of the considered view that custodial interrogation of the petitioner may not be justified for the ongoing investigation.

10. Accordingly, it is provided that in the event of arrest of the petitioner named above, he shall be released forthwith on pre-arrest bail on furnishing a bail bond of Rs. 50,000/-(Rupees Fifty thousand) only with the satisfaction of the arresting authority subject to the following conditions :-

- i) That the petitioners shall surrender before the Investigating Officer within 10 days, failing which on and from the 11th day, the pre-arrest bail order shall have no force;
- ii) That the petitioners 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) That the petitioners shall refrain from committing any similar offences in future of which he is accused or suspected of commission.

With the above observations and directions, the Anticipatory Bail Application stands disposed of.

JUDGE

Comparing Assistant