

GAHC010091642024



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

Case No. : AB/1195/2024

HAREJ ALI
S/O LATE JURAN ALI, R/O VILL- GARIGAON FANCYPARA, P.S.-JALUKBARI,
DIST-KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 04-06-2024

Heard Mr. R Rahman, learned counsel for the petitioner.
Also heard Mr. M.P. Goswami, learned Addl. PP, Assam.

By this application the petitioner, namely, ***Harej Ali*** has
prayed for pre arrest bail under section 438 Cr.P.C who is
apprehending arrest in connection with ***Jalukbari PS Case***

No.46/2024 under sections **417/420/468/34 IPC**.

The case diary called for is received and the same is perused.

It is alleged that the land records were manufactured and the name of the petitioner was incorporated in the land records pertaining to the land, which belongs to the informant.

The petitioner had taken a stand that the dispute is basically a civil dispute and the petitioner had inherited the land from his father, who in turn purchased the said land by a registered sale deed.

Apparently, it seems that this is a civil dispute over the disputed plot of land claimed and counter claimed by both the parties, however, the case diary reveals it otherwise.

The materials in the case diary suggests that to give the dispute a colour of civil nature, a collusive suit was even filed by the accused against the original owner of the land. The statement of the earlier owner clearly suggests such fact.

The materials collected by the investigating authority also suggests that the land records were manipulated and the petitioner's name was incorporated on the basis of a purported sale deed. The materials also suggests that, infact, there was no such sale deed, rather the number of the sale deed on the basis of which, it was projected that the father of the petitioner had purchased the land, is a mortgage deed and nowhere connects the petitioner or his deceased father. The material also suggests involvement of certain revenue officials in this case.

Considering, the matter in entirety, this court is of the view that custodial interrogation of the petitioner may be necessary in the present case.

Considering the above, the present bail application stands dismissed.

Return the case diary.

JUDGE

Comparing Assistant