

GAHC010096362024



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

Case No. : AB/1265/2024

PRATICK LAL BARUAH
S/O LT DILIP BARUAH, R/O HOUSE NO-20, LAMB ROAD, AMBARI
GUWAHATI-1, P.S.-LATASIL, DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M K DAS, C SAIKIA, MS. B CHETRY, MS. A LALA, MRS R BEGUM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

12.08.2024

1. Heard Mr. M.K. Das, learned counsel for the applicant. Also heard Mr. M. P. Goswami, learned Addl. Public Prosecutor for the State respondent.
2. Apprehending arrest in connection with Latasil P.S. Case No. 41/2024, under Section 468 of the IPC, this application under Section 438 Cr.P.C. has been

preferred by applicant, Pratick Lal Baruah 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 the Secretary, Real Estate Regulatory Authority, Assam, on 30.12.2023 against the builder 'Prime Spaces', Guwahati (Proprietor Prime Spaces). The essence of allegation made in the FIR dated 30.12.2023, is that one Nazrul Islam and four other flat owners of 'Prime Spaces' located at Lamb Road, Ambari, Guwahati, submitted a petition enclosing a copy of RERA registration certificate and a screenshot of the RERA website on 23.11.2023, to verify the RERA registration certificate, bearing No. RERA P.O. 70 of 2023, dated 04.09.2023 for the real estate project Prima Spaces, Guwahati located at Lamb Road, Ambari, Guwahati. But, they were unable to find the registration certificate in RERA official website and on verification of the official record, it is found that certificate P.O. 70 of 2023, dated 04.09.2023 was not issued against the project 'Prime Spaces', Guwahati and it was a forged certificate.

4. Mr. Das, learned counsel for the applicant submits that the proprietor of the aforesaid project is one Dilip Kumar Baruah of Lamb Road, Guwahati and the present applicant is his son and that Dilip Kumar Baruah passed away on 04.04.2024, and in support of his submission, Mr. Das has referred to Annexure 4, at page 24 of the application, and that whatever was done, it was done by Late Dilip Kumar Baruah, and the present applicant is in no way involved with the same. But, the present applicant has received one notice under Section 41(A), Cr.P.C. from the I.O. and he apprehends that if he appears before the I.O., he may be arrested and therefore, it is contended to allow the application.

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

6. Learned Addl. Public Prosecutor has submitted that the petitioner has

appeared before the Investigating Officer and his statements have been recorded.

7. I have scrutinized the Case Diary. The petitioner has not violated any bail conditions. Investigation has progressed to a considerable extent.

8. I have also considered the submission that the petitioner is willing to cooperate with the remaining part of the investigation.

9. Considering all aspects, interim order dated 17.05.2024, is hereby made absolute under the same terms and conditions.

10. Send back the Case Diary.

JUDGE

Comparing Assistant