

GAHC010096452024



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

Case No. : AB/1243/2024

RAJIB KUMAR DAS
S/O JAGADISH CHANDRA DAS,
RESIDENT OF HOUSE NO. 21, GANDHI NAGAR, NEAR M.C COLLEGE, PS
AND DIST BARPETA, ASSAM 781301

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MR. S A HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 20.06.2024

Heard Mr. S. A. Hussain, learned counsel for the petitioner. Also heard Mr. M. P. Goswami, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner,

who is apprehending arrest in connection with Jogighopa P.S. Case No. 292/2023, under Sections 120(B)/420/ 468/471/34 of the Indian Penal Code and added Section 409 of the Indian Penal Code.

CD received, perused the same and heard both sides.

It is submitted by Mr. S. A. Hussain, learned counsel for the petitioner, that the present petitioner is innocent and he is no way connected in the alleged offence and he, being the Senior Sub-Registrar, registered the sale deed after obtaining the NOC, which was issued by the Deputy Commissioner. He is not aware about if any forged deed was produced before him at the time of the registration. However, it was within the knowledge of the Sub-Registrar that the mutation, which was done in favor of the accused/petitioner, has already been cancelled and at present, the mutation is continuing in the name of purchaser. Further he submitted that after obtaining the order of interim pre-arrest bail dated 15.05.2024, the accused/petitioner has already appeared before the Investigating Officer and his statement is also recorded under Section 161 Cr.P.C. However, he is still ready and willing to co-operate with the Investigating Officer in further investigation of this case if he is granted with privilege of pre-arrest bail. Further he submitted that all the documents have already been seized by police in connection with this case and the entire matter is based on the documentary evidence.

In this context, Mr. M. P. Goswami, learned Additional Public Prosecutor, has submitted that the accused/petitioner has appeared before the Investigating Officer and his statement is also recorded under Section 161 Cr.P.C., but the FSL report is yet to be collected by the Investigating Officer, which has already been sent before FSL for examination of the signatures of buyers and purchaser, which may reveal the actual fact of the case as to

whether the sale deed was forged or genuine one. Accordingly, he submitted that the FSL report will reveal the actual fact of the case and thus, he raised objection in granting the privilege of pre-arrest bail to the present petitioner.

After hearing the submissions of learned counsels for both sides, I have also perused the Case Diary and it reveals that there is sufficient progress in the investigation of the case and most of the relevant documents are already been seized by police in connection with this case and at the same time, it is also seen that the accused/petitioner also co-operated with the Investigating Officer in the investigation of this case.

In view of above and also considering the materials available in the Case Diary, progress of investigation and other aspects of the case, I find that custodial interrogation of the present accused/petitioner may not be necessary for interest of the investigation. Hence, I find it a fit case to extend the privilege of pre-arrest bail to the present accused/petitioner and accordingly, the order of interim pre-arrest bail granted by this Court vide order dated 15.05.2024 is hereby made absolute in the same terms and conditions.

With the above observation, the petition stands disposed of.

JUDGE

Comparing Assistant