

GAHC010098842024



2024:GAU-AS:11688

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

Case No. : AB/1344/2024

DR NABO KUMAR PEGU @ NABA PEGU
S/O LATE RAGHUNATH PEGU, R/O SOCIETY, WARD NO. 11, SILAPATHAR
TOWN, P.O. AND P.S.-SILAPATHAR, DIST-DHEMAJI, ASSAM, PIN-787059.
P/R/A JENGRAIMUKH, P.O. AND P.S.-JENGRAIMUKH, DIST- MAJULI, PIN-
785105

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. J C GOGOI, MR B ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

26.11.2024

Heard Mr B Islam, learned counsel for the petitioner, Dr Nabo Kumar Pegu @ Naba Pegu.

2. The petitioner has filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as he is apprehending arrest in connection with Silapathar PS Case No.

84/2024, under Sections 468/471/409/345B/447/427/ 506/511/34 IPC.

3. Heard Mr R R Kaushik, learned Additional Public Prosecutor for the State of Assam.

4. The allegation against the present petitioner and his co-accused is that the complainant's husband mortgaged 4 Bighas of land to the accused No. 5, but the accused No. 5, who was cultivating the land for several years got the land transferred in the name of accused No. 2 and accused No. 5, through forged documents. Later on, after the death of complainant's husband, the present petitioner and the accused No. 2, with the assistance of accused No. 3, forcefully encroached into the land and property of the complainant. The complainant who was unaware about the forgery built a warehouse on the said land and planted trees and erected a bamboo fence. On 17.03.2024, the accused No. 2, armed with a dao entered in the complainant's premises. Thereafter, the petitioner and the co-accused attacked the complainant.

5. It is submitted at the Bar that the petitioner is a Principal of Jengraimukh College, Majuli. It is also submitted that the petitioner is an elderly person and he is 54 years old. The allegations made against him are totally false. The allegation of assault is mainly against the other accused persons.

6. I have considered the submissions made at the Bar with circumspection.

7. I have also scrutinized the Case Diary.

8. The petitioner has appeared before the IO and has cooperated with the

investigation.

9. The petitioner is a local resident and he is not a flight risk.

10. The petitioner is willing to abide by any stringent conditions, if imposed upon him.

The petitioner has not violated the bail conditions.

11. In view of my foregoing discussions, interim pre-arrest bail order dated 27.05.2024, is hereby made absolute, under the same terms and conditions.

12. Anticipatory Bail Application stands disposed of.

13. Send back the Case Diary.

JUDGE

Comparing Assistant