

GAHC010113412024



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

Case No. : AB/1494/2024

LANIMA DAS
D/O GANAPATI DAS, R/O VILL- BISHNUPUR, P.O.-BHELLA, P.S.-BARPETA,
DIST-BARPETA, ASSAM, PRESENT ADD- W/O KISHORE KR. NATH, VILL-
KALAYAHATI, WARD NO. 14, P.S. AND DIST- BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR D KALITA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

15.07.2024

- 1.** Heard Mr. D. Kalita, learned counsel for the petitioner. Also heard Ms. N. Das, learned Additional Public Prosecutor appearing for the State respondent.
- 2.** This is an application under Section 438 of the Code of Criminal

Procedure, 1973 seeking anticipatory bail to the accused petitioner, i.e. Ms. Lanima Das, who is apprehending arrest in connection with the Crime Branch Police Station Case No.03/2024 registered under Section 120B/420/468/471/409 of the IPC corresponding to G.R. Case No.847/2024.

3. The Case Diary, as called for, is placed before this Court.

4. The case of the prosecution in brief is that the informant lodged an FIR on 28.01.2024 alleging, *inter alia* that the father of the informant had purchased a plot of land measuring 1 Katha 10 Lechas covered by Dag No.1129 and Patta No.1424 of Ulubari Mouza vide a registered Sale Deed no.2142 dated 31.08.1950 out of total land measuring 2 Bighas, 2 Kathas, 8 Lechas from one Late Hari Kanta Barman. However, after the expiry of the petitioner's father, two co-accused namely, Anup Ojah and Jakir Ojah Occupied the aforesaid plot of land unauthorizedly, which came to the notice of the informant through his neighbours. Accordingly, the FIR was registered.

5. Mr. Kalita submits that the petitioner is not named in the FIR and has no role to play in the alleged offence.

6. Ms. N. Das, learned Additional Public Prosecutor submits that since the petitioner has identified the alleged forged Sale Deed, custodial interrogation as such perhaps may be essential. However, she fairly submits that there is no other material available on record against the petitioner.

7. I have heard the parties at length and perused the materials available on record.

8. It appears that since the petitioner had identified the alleged forged Sale Deed, the instant anticipatory bail application has been filed. It further appears that there is no adverse material available against the petitioner in the Case Diary. The Investigating Officer has further not collected any adverse material against the antecedent of the petitioner.

9. Considering the above, this Court is of the view that the custodial interrogation of the petitioner may not be justified for the ongoing investigation.

10. Accordingly, the anticipatory bail application stands allowed.

11. Resultantly, it is provided that in the event of arrest, the petitioner named above shall be released on pre-arrest bail in connection with the above noted case on furnishing bail bond of **Rs.30,000/-** with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:-

- (i) That the petitioner shall appear before the investigating officer within 10 days, failing which on and from the 11th day this anticipatory bail order shall have no force;
- (ii) That the petitioner 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 petitioner shall refrain from such activities with which she is alleged.

12. Return the Case Diary.

13. This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant