

GAHC010119592024



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

**Case No. : AB/1566/2024**

JAKIR HUSSAIN  
S/O LATE SOHRAB ALI, R/O VILL AND P.O.- KALAR CHAR, P.S.-  
MUKALMUWA, DIST-NALBARI, ASSAM, PIN-781312

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner** : MR. A CHOUDHURY, MS. A KAUSHAR, MR S ISLAM

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**  
**HONOURABLE MRS. JUSTICE MITALI THAKURIA**

**ORDER**

**Date : 31.07.2024**

Heard Mr. S. Islam, learned counsel for the petitioner. Also heard Mr. D. Das, 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 Gorchuk P.S. Case No. 375/2023, under Sections 120(B)/ 420/407/468/409 of the Indian Penal Code.

Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. S. Islam, learned counsel for the petitioner, that the present accused/petitioner is innocent and he has been falsely implicated in this case. He is a *bona fide* purchaser and he purchased the plot of land measuring 2 Bighas 10 Lechas covered by Dag No. 578 of K.P. Patta No. 684 from the original pattadars by registering the same in the Office of the Sub-Registrar, Guwahati. More so, before obtaining the sale permission, he also obtained the information under Form 50 and also obtained the NOC from the authority concerned. Accordingly, Mr. Islam submitted that the present accused/ petitioner is no way connected in the alleged offence. However, he is ready and willing to co-operate with the I.O. in the further investigation of the case if he is granted with the privilege of pre-arrest bail.

In this context, Mr. Das, learned Additional Public Prosecutor, has submitted that this a subsequent anticipatory bail application after rejection of the earlier anticipatory bail applications and the petitioner has not brought any new or urgent ground. Further he submitted that the present accused/petitioner in connivance with the Office of the Sub-Registrar obtained the forged documents and he is the mastermind of the entire offence. Accordingly, he submitted that there are sufficient incriminating materials against the present petitioner and hence, the learned Additional Public Prosecutor raised objection

and submitted that this is not at a fit case to grant the privilege of pre-arrest bail to the accused/petitioner.

Considering the submissions made by the learned counsels for both sides and also considering the materials available in the Case Diary, it is seen that there are sufficient incriminating materials against the present accused/petitioner showing his direct involvement in the alleged offence. More so, the petitioner has not brought any new or urgent ground in the present anticipatory bail application after rejections of the earlier anticipatory bail application and hence, I do not find it a fit case to grant the privilege of pre-arrest bail to the accused/petitioner at this stage and accordingly, the same stands rejected

In terms of above, this anticipatory bail application stands disposed of.

Case Diary be returned.

**JUDGE**

**Comparing Assistant**