

GAHC010124672024



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

Case No. : AB/1607/2024

SNIGDHA DAS @ SNIGDHA CHOUDHURY
W/O- HEMENDRA CHOUDHURY, R/O- B N COLLEGE OF AGRICULTURE,
BISWANATH CHARIALI, DIST. BISWANATH, ASSAM, PIN- 784176.

VERSUS

STATE OF ASSAM
REPRESENTED BY THE P.P., ASSAM

Advocate for the Petitioner : MR. L TALUKDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 24-06-2024

- 1.** Heard Mr. L. Talukdar, learned counsel for the petitioner. Also heard Ms. S. Jahan, learned Additional Public Prosecutor for the State.

- 2.** This application under Section 438 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, *Snigdha Das @ Snigdha Choudhury*, who is apprehending her arrest in connection with Biswanath Chariali P.S. Case No. 148/2020 under Sections 420/419/423/468/471 of the Indian Penal Code.

3. The gist of accusation in this case is that one Ghanshyam Acharya had lodged an FIR on 13.06.2020 before the Officer-in-Charge of Biswanath Chariali Police Station naming four accused in the said FIR, *inter alia*, alleging that the informant is the owner of the plot of land of 1 Bigha of land covered by Dag No. 222 of K.P. Patta No. 47 of village Kadamani, however, it came to know that the accused No. 3 named in the FIR had fraudulently sold the said land and on 11.06.2020 they came there and they demanded the possession of the said plot of land.

4. The learned counsel for the petitioner has submitted that the petitioner is the practicing advocate by profession and she was earlier called by the Investigating Officer in the year 2020, when she cooperated in the investigation and her statement was also recorded. However, recently she has been again contacted by the Investigating Officer, who informed her that the signatures in the land document in the documents of the case resemble her signature.

5. The learned counsel for the petitioner has submitted that the petitioner has never affixed her signature in any of such documents as stated by the Investigating Officer and, therefore, on 16.06.2024, she lodged an FIR before the Officer-in-Charge of the Biswanath Chariali Police Station alleging forgery of her signature in the affidavit. The learned counsel for the petitioner has submitted that this is an old pending case of the year 2020, where the petitioner had cooperated in the investigation. However, now she apprehends that if she appears before the police, she may be arrested. It is also submitted that the petitioner is ready to cooperate in the investigation.

6. Considering the submissions made by the learned counsel for the petitioner as well as learned Additional Public Prosecutor as well as considering

the documents annexed along with the bail application, this Court is of considered opinion that if the petitioner cooperates in the investigation, her custodial interrogation may not be necessary for fair completion of the investigation in Biswanath Chariali P.S. Case No. 148/2020.

7. In view of the above, the above named petitioner is directed to appear before the Investigating Officer of Biswanath Chariali P.S. Case No. 148/2020 within a period of 10 days from the date of this order and cooperate in the investigation. If she does so, within the stipulated period of time, in the event of her arrest in connection with Biswanath Chariali P.S. Case No. 148/2020, the above named petitioner shall be granted bail of Rs.30,000/- (Rupees Thirty Thousand) with one surety of like amount, subject to satisfaction to the arresting authority with following conditions:-

- i. That the petitioner shall cooperate in the investigation and shall appear before the Investigating Officer;
- ii. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any other persons who may be acquainted with the facts of the case so as to dissuade such persons from disclosing such facts before the Investigating Officer.

8. With the above observation, this anticipatory bail application is disposed of.

JUDGE

Comparing Assistant