

GAHC010126862024



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

Case No. : AB/1672/2024

SATENDRA NATH ROY
S/O SRI SANTOSH ROY, R/O VILL- UTTAR RAIPUR PART-I, P.O.-
GOLOKGANJ, P.S.-GOLOKGANJ, DIST- DHUBRI, ASSAM, PIN-783334

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R SARMA, MS. S. BISWAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 21.08.2024

Heard Mr. R. Sarma, learned counsel for the applicant and Ms. S.H. Bora, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 438 Cr.P.C. is preferred by applicant, namely, Satendra Nath Roy, who has been apprehending arrest in connection with Bhangagarh P.S. Case No.26/2024 under Section 120B/420/406/468 IPC,

for grant of pre-arrest bail.

3. It is to be noted here that the above-noted case has been registered on the basis of one FIR lodged by one Vishnu Priya Hazarika, on 29.01.2024. The essence of allegation, as reflected in the aforementioned FIR is that the informant is the owner of a plot of land, which she had purchased vide Deed No.935/1993, dated 25.02.1993, but one Anima Sarkar, W/o Deben Sarkar had fraudulently prepared a Power of Attorney on 19.11.2019 and showing another woman in her place and sold the land to another person.

4. Mr. Sarma, learned counsel for the applicant submits that the applicant had been granted the privilege of interim pre-arrest bail, vide order dated 27.06.2024, and pursuant to the said order, he had also appeared before the I.O. and he has been cooperating with the investigating agency, and that the applicant is innocent and ready to cooperate with the investigating agency, and therefore, a contention is being made that the interim order dated 27.06.2024, may be made absolute in the same terms and conditions.

5. On the other hand, Ms. Bora, the learned Addl. Public Prosecutor has produced the case diary before this Court and submits that the investigation of the case has already been completed and the final report is being prepared by the I.O. on the ground that the case was lodged on mistake of fact.

6. Having heard the submission of learned Advocates of both sides, I have gone through the application and the documents placed on record and also perused the case diary with the assistance of Ms. Bora, learned Addl. Public Prosecutor.

7. It appears that investigation of the case has already been completed and the final report is being prepared by the I.O. on the ground that the case was lodged on mistake of fact. And since the applicant has been cooperating with

the investigating agency, and since investigation is completed, his custodial interrogation, in the interest of investigation, seems not to be warranted here in this case.

8. Accordingly, the interim order dated 27.06.2024, is hereby made absolute in the same terms and conditions.

9. In terms of above, this application stands disposed of.

10. Case diary be returned.

JUDGE

Comparing Assistant