

GAHC010127762024



2024:GAU-AS:12275

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

Case No. : AB/1648/2024

APURBA CHOUDHURY
S/O LATE KALI KANTA CHOUDHURY
R/O VILL- SATPAKHALI
KAMRUP (RURAL), ASSAM- 781132

VERSUS

THE STATE OF ASSAM
REP BY THE PP, GOVT. OF ASSAM

Advocate for the Petitioner : MR. N ALAM, S A BAKHTIAR, MR K JAIN

Advocate for the Respondent : PP, ASSAM,

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

04.12.2024

Heard Mr. K. N. Choudhury, learned Senior Counsel assisted by Mr. N. Alam, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Noonmati P.S Case No. 147/2023 registered under Sections 447/467/468/471/506 of the IPC .

The Case Diary has been received and I have perused the same.

It is submitted by the learned Senior Counsel, Mr. Choudhury, that the present petitioner had appeared before the Investigating Officer (IO) after obtaining pre-arrest bail and co-operated in the investigation of the case. He further submitted that the petitioner signed the sale deed in good faith, considering it to be genuine, and based on the identification by the engaged advocate under whom he was working. He also submitted that all the relevant documents have already been seized by the IO during the investigation, and there has been sufficient progress in the case. Further, the petitioner prays for the interim bail to be made absolute. If the same is made absolute, there is no chance of absconding, or of hampering or tampering with the case, and he is also ready to appear before the IO whenever his presence is required.

In this context, Mr. Barua, learned Additional Public Prosecutor, has submitted that the sale deed was executed on behalf of a person who died on 25.01.2018, whereas the alleged sale deed was executed on 23.03.2018 on commission, after the person's death. He submits that, how the petitioner could not have identified a person who was already died or non-existence at the time of the execution of the sale deed. However, he also submitted that there has been sufficient progress in the investigation, and the signature, etc., were sent to the Forensic Science Laboratory (FSL) for examination.

On the other hand, Mr. Choudhury, learned Senior Counsel for the petitioner, has submitted that, out of four accused person, three have already been released on bail. He further submits that the prayer for bail of the present petitioner may also be considered as he put his signature on the sale deed in good faith, believing the sale deed to be genuine.

After hearing the submissions of learned counsels for both sides and also considering the materials available in the Case Diary, it is seen that there has been sufficient progress in the investigation of the case. The relevant documents have already been seized by the police during the investigation, and at the same time, it is also seen that the accused/petitioner is co-operating in the investigation. Thus, considering all aspects of the case, including the progress of the investigation and the materials available in the case diary, I find it appropriate to extend the privilege of pre-arrest bail to the petitioner, namely Sri Apurba Choudhury. Thus, the order passed by this Court dated 26.06.2024, in connection Noonmati P.S Case No. 147/2023 registered under Sections 447/467/468/471/506 of the IPC is hereby made absolute.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant