

GAHC010132302024



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

Case No. : AB/1703/2024

PARESH DEY
S/O- KANAI DEY, R/O- ANIL HAIR CUTTING, KAMARCHUBURI, TEZPUR,
DIST. SONITPUR, ASSAM, PIN- 784001.

VERSUS

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

Advocate for the Petitioner : MR. T BARUAH, MS A DAS, MR J. ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

01.08.2024

Heard Ms A Das, learned counsel for the petitioner, Paresh Dey, who has filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as he is apprehending arrest in connection with Fatasil Ambari PS Case No. 177/2024, under Sections 448/419/420/427/468/ 471/380/34 Indian Penal Code, 1860.

2. Heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam/respondent.

3. The FIR unfolds that the informant Veronica Wijunami resides in Dimapur. On 09.06.2024, she had come to her house along with her family from Dimapur and found that Harish Pareekh, Paresh Dey, Sankaracharjya Basumatary and Judisthir Khaklari, had illegally occupied the informant's property and had also engaged a private security guard. This security guard prevented the informant Veronica from entering into her own house and he informed her that the property belongs to Harish Pareekh. The Police was then informed at about 02:30 pm and with the help of the Police, the informant was able to enter into her property and she found that the accused named in the FIR have changed all the door locks of their house. These locks had to be broken with the help of the Police. When the informant went to the 2nd floor of their house, they found the present petitioner and his wife in the house. The present petitioner, Paresh Dey introduced himself as the Manager of Harish Pareekh and he displayed some false property documents. Meanwhile, the petitioner and his wife managed to escape. It is alleged that Harish Pareekh, Paresh Dey, Sankaracharjya Basumatary and Judisthir Khaklari prepared a false agreement for sale by forging the signature of Veronica's husband. They also changed the CCTV Camera System of their house. It was also unearthed by the informant that articles like refrigerator, almirah, AC, laptop, sofa-set, jewellery, valued at Rs. 25 lacs were missing from her house.

4. It is submitted on behalf of the petitioner that the informant's husband is Tonu Dey.

5. It is submitted on behalf of the petitioner that he is the tenant of accused No. 3 and accused No. 4, i.e., Sankaracharjya Basumatary and Judisthir Khaklari. He was not

aware that there was a dispute relating to the ownership of the building and that the informant's husband was the owner of the building.

6. I have considered the submissions at the Bar with circumspection.

7. It is also submitted on behalf of the petitioner that the petitioner has appeared before the IO and has cooperated.

9. I have scrutinized the Case Diary.

10. The petitioner's statement has been recorded. The petitioner has not violated any bail conditions.

11. Considering all aspects and in view of my foregoing discussions, the interim pre-arrest bail order dated 28.06.2024, passed by a coordinate Bench of this Court is hereby made absolute.

12. Anticipatory Bail Application stands disposed of.

13. Send back the Case Diary.

JUDGE

Comparing Assistant