

GAHC010132952024



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

Case No. : Bail Appln./1931/2024

MUKHTIAR HUSSAIN
S/O MANSUR ALI
PERMANENT RESIDENT OF VIL- BHER BHERI, P.O. DHUPAGURI, P.S.
BATADRABA, DIST. NAGAON, ASSAM, PRESENTLY RESIDING AT LACHIT
NAGAR, BISHNUPOLLI, P.S. AND DIST. HOJAI, ASSAM, PIN-782435

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. BHASKAR DUTTA, SENIOR ADVOCATE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

03.07.2024

1. Heard Mr. B. Dutta, learned Senior Counsel, assisted by Mr. J. Das, learned counsel for the petitioner. Also heard Ms. SH Bora, learned Additional Public Prosecutor, appearing for the State of Assam.

2. The present application filed under Section 439 of the Code of Criminal Procedure, 1973, is preferred by the accused, namely, Mukhitiar Hussain, who was arrested on 23.06.2024 and was produced before the learned Jurisdictional Magistrate on 24.06.2024 in connection with Barbaruah PS case No. 59/2024 under Section 120(B)/420/468/471/34 of the Indian Penal Code.

3. The materials available on record suggest that a preliminary enquiry was held in terms of G.D. Entry No. 194 dated 13.06.2024 as regards, allegation of distribution of Fake Land Allotment Certificate. After the preliminary enquiry, the FIR was registered and in the FIR, all the land allottees, were named as accused.

4. The FIR discloses that the Circle Officer Dibrugarh West Revenue Circle suspect the aforesaid Land Allotment Certificate to be doubtful. During the course of investigation one JayKumar Hazarika, President of Village Land Management and Conservation Committee was arrested and during his remand, he named the present petitioner. Accordingly, the present petitioner was arrested.

5. The present petitioner was also remanded for four days police custody and subsequently, he was sent to judicial custody. Materials also reveals that on the date of the alleged incident, the petitioner was posted as Lat Mandal in Hojai Revenue Circle and he was transferred from Tingkhong Revenue Circle.

6. Mr. Dutta, learned Senior Counsel for the petitioner has also produced documents issued by Circle Officer Tingkhong

Revenue Circle. The aforesaid documents signed by the Circle Officer, Tingkhong Revenue Circle dated 30.03.2021 reflect that the petitioner was transferred from Dibrugarh West Revenue Circle on 25.02.2021 and he joined at Tingkhong Revenue Circle on the same date. Thus much prior to the date of commission of the offence the petitioner was transferred from Dibrugarh West Revenue Circle. Accordingly, Mr. Dutta, learned Senior Counsel for the petitioner submits that the petitioner was not even posted in the Revenue Circle where the alleged offence was committed.

7. Considering the matter in its entirety, without commenting anything on the merits of the case, this Court is of the view that in this case, further custodial interrogation of the petitioner may not be necessary. Accordingly, it is directed that the petitioner, above-named, in connection with the aforementioned case be released on bail on his furnishing a bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one solvent surety of the like amount to the satisfaction of the learned CJM, Dibrugarh with the following conditions.

- (i) The petitioner shall not hamper with the investigation, or tamper with the evidence of the case,
- (ii) The petitioner shall not repeat similar offence in future;
- (iii) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer,
- (iv) The petitioner shall appear before the I/O on each and

every date as and when called for.

8. Bail application stands disposed of.

JUDGE

Comparing Assistant