

GAHC010139752024



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

Case No. : AB/1847/2024

MANJUR AHMED TAPADAR
S/O LATE RIEZ UDDIN TAPADAR, VILL AND P.O.-NAYERGRAM, P.S. AND
DIST- KARIMGNAJ, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR P KATAKI, MRS R BEGUM, MR D CHAKRABORTY

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

21.10.2024

Heard the learned counsel Mr. P. Katagi appearing for the petitioner. Also heard Mr. K.K. Das, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 438 of the CrPC praying for grant of pre-

arrest bail to the petitioner, namely- Manjur Ahmed Tapadar in connection with Badarpur P.S. Case No.118/2024 under Sections 120(B)/420/468/471 of the IPC (corresponding to G.R. No.866/2024).

3. The Circle Officer of Badarpur Revenue Circle had lodged an FIR against five persons alleging that they had submitted some false and forged sale deeds to have their names mutated in respect of certain plot of lands.

4. Mr. Kataki has pointed out that there is no allegation that the present petitioner had prepared those documents.

5. Mr. Kataki further drawing my attention towards some documents submits that the petitioner was suffering from mental ailments prior to filing of the FIR. He has taken his treatment at Tezpur.

6. Mr. Das has submitted that there are materials to show that the petitioner tried to have his name mutated in respect of certain plot of land by filing forged sale deeds.

7. I have considered the submissions made by the learned counsel of both sides in the light of the materials available before this Court.

8. Without making any opinion about the offence, this Court is of the opinion that for the mental health of the petitioner, he does not deserve to be detained in custody. Therefore, his bail application is allowed.

9. It is hereby directed that in the event of arrest, the petitioner, namely- Manjur Ahmed Tapadar in connection with Badarpur P.S. Case No.118/2024 under Sections 120(B)/420/468/471 of the IPC (corresponding to G.R. No.866/2024), is allowed to go on bail of ₹25,000/- with a surety of like amount to the satisfaction of the arresting authority.

10. The petitioner shall co-operate with the police investigation whenever he is called for by the investigating officer.

With the aforesaid direction, the application for bail is disposed of accordingly.

The case diary shall be returned.

JUDGE

Comparing Assistant