

GAHC010161422024



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

**Case No. : AB/2107/2024**

UTPAL DEKA  
S/O LATE UPENDRA NATH DEKA,  
R/O HOUSE NO. 07, NANAK NAGAR  
P.O. AND P.S. BHANGAGAR  
DIST. KAMRUP (M), ASSAM  
PIN-781005.

VERSUS

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

**Advocate for the Petitioner** : MR W R MEDHI, MR R CHETRY, MR P TALUKDAR, MR A V SINGH

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**  
**HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

**ORDER**

**Date : 19.09.2024**

Heard learned counsel, Mr. W.R. Medhi, for the petitioner, Utpal Deka, who has filed this application under Section 438 of the CrPC (Old)/ under Section 482 of the

Bharatiya Nagarik Suraksha Sanhita, 2023 (New), with prayer for pre-arrest bail apprehending his arrest in connection with Bhangagarh P.S. Case No. 109/2024, under Sections 420/468/471 of the Indian Penal Code, 1860.

2. Heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, appearing on behalf of the State of Assam.

3. The FIR unfolds that the petitioner, by fraudulent means purchased a plot of land near the Medical Road, Nanak Nagar, from his father, Sri Upendra Nath Deka.

4. It is submitted on behalf of the petitioner that the informant, Arup Deka was not staying with his parents and family members for 15 long years. The sale deed was executed on 12.02.2015, whereas the FIR was lodged after a prolonged period, on 09.04.2024.

5. It is submitted that the petitioner has not acted in a fraudulent manner by wrongfully mentioning his father's age as 83 years and his own age as 44 years.

6. It is also submitted that the petitioner has appeared before the I.O. continuously, but again the I.O. has issued notice against the petitioner and this is why the petitioner is apprehending arrest in connection with this case.

7. I have considered the submission that the FIR has been lodged after almost 9 years.

8. I have scrutinized the Case Diary.

9. I have considered the submissions of the learned counsel for the petitioner that the petitioner has appeared before the I.O.

10. Considering all aspects, the interim order dated 12.08.2024, is hereby made absolute.

11. Send back the Case Diary.

**JUDGE**

**Comparing Assistant**