

GAHC010162632024



2024:GAU-AS:11888

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

Case No. : AB/2126/2024

NAWAB MERAJ AHMED
S/O NAWAB SULTAN
R/O VILL- NAZIRA BORTAL
P.O. AND P.S. NAZIRA
DIST. SIVASAGAR, ASSAM
PIN-785685

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M ALI, MR J. ISLAM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

29.11.2024

1. Heard Mr. J. Islam, learned counsel for the petitioner Nawab Meraj Ahmed.
2. The petitioner has filed this application under Section 482 of the Bharatiya

Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as he is apprehending arrest in connection with Dispur P.S. Case No. 585/2023 under Sections 120(B)/468/471/302/34 of the IPC.

3. Heard Mr. B. Sharma, learned Additional Public Prosecutor, Assam for the respondent State.

4. It is submitted on behalf of the petitioner that the FIR was lodged after 2 years and the petitioner is entitled to bail. On the contrary, the victim Rini Kakati had earlier criminal antecedents and an FIR being Dispur P.S. Case No. 2071/2024 corresponding to GR Case No. 6067/2020, was registered against the deceased victim Rini Kakati under Sections 420/406 of the IPC.

5. Learned Additional Public Prosecutor has raised serious objection stating that the petitioner himself has criminal antecedents and he has been granted pre-arrest bail vide order dated 10.11.2020, in AB No. 2756 of 2020 in connection with Dispur P.S. Case No. 1844/2020 registered under Sections 420/468/471 of the IPC.

6. It is submitted by the learned Additional Public Prosecutor that investigation is still under progress. The reason of delay in lodging the FIR was that the informant is a resident of London and he learnt much later about the facts and circumstances of this case. This case is based on land grabbing which resulted

in such serious consequences.

7. The FIR unfolds that the victim Rini Kakati used to reside with her son most of the time in London. She was a social worker and during the Covid-19 pandemic, she was staying in India for a considerable period of time. As she felt unsafe to reside alone in the house, she used to stay in Blue Moon Guest House for security. She was in contact with her son i.e., the informant and she informed her son that Nawab Meraz Ahmed was willing to rent their house at Dispur for business purpose, but she did not allow him to let out her house on rent. Then, the petitioner Nawab Meraz Ahmed turned violent and threatened Rini Kakati with dire consequences and tried to forcefully encroach upon her property. He with some other anti-social, fraudulent miscreants took advantage of her situation and prepared fraudulently power of attorney, will, agreement for sale and other documents. When she learnt about the conduct of the petitioner, she lodged a complaint with the Office of the Sub-Registrar, Dispur P.S., on 19.03.2020. She prayed for cancellation of the forged documents, fraudulently procured by the petitioner.

8. On 27.12.2020, the deceased victim Rini Kakati left the hotel along with driver Prasanta Gogoi and helper Rajbansi at about 12:30 p.m., and went towards Barnihat. Two persons boarded the car at Barnihat. At that

time, Prasanta Gogoi and Rajbansi were not in the car and they apprised the informant that after that, the informant's mother, Rini Kakati was found in a morbid condition and when she was taken to the Hospital, she was declared dead. It was also apprised that the petitioner was involved in the death of Rini Kakati.

9. I have considered the submissions at the Bar with Circumspection. I have also scrutinized the Case Diary. It appears that the petitioner is not entitled to pre-arrest bail. The FIR itself reflects the reasons of delay in the lodgment of the FIR. Investigation is still under progress.

10. At this stage, I am not inclined to grant pre-arrest bail.

11. Hence, petition stands rejected at this stage.

12. Send back the Case Diary.

JUDGE

Comparing Assistant