

GAHC010171272024



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

Case No. : AB/2201/2024

MOON CHOUDHURY
S/O LATE SAMIR CHOUDHURY
R/O SATGAON, MILIJULI PATH,
P.S. SATGAON
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. U K BARMAN, MR. R KONWAR, MR D PEGU, MR H ALI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 30-09-2024

Heard Mr. H. Ali, learned counsel for the petitioner Moon Choudhury, who 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 Hatigaon Police Station Case No. 176/2024 under Sections 406/420/468 of the

Indian Penal Code, 1860 (IPC for short).

2. Heard Mr. M.P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.

3. The allegation is that the present petitioner introduced Abul Ali to the informant who was induced to purchase a plot of land ad-measuring 3 Bighas 4 Kathas 4 Lechas situated at Revenue Village – Jogipara, Mouza – Dakhin Rani, Azara Revenue Circle, Kamrup (M). An amount of Rs.10,00,000/- (Rupees Ten Lacs) was paid by the informant to the prime accused Abul Ali.

4. It is submitted that the prime accused Abul Ali has already been granted bail by this Court in Bail Application No. 2407/2024 vide order dated 14.08.2024. While granting bail, it was also observed that the prime accused was willing to repay the amount of Rs.10,00,000/- (Rupees Ten Lacs) received by him from the informant. So stating, it is submitted that the petitioner has not received Rs.10,00,000/- (Rupees Ten Lacs) from the informant by defrauding him into believing that the land purchased by the informant from Abul Ali belongs to Abul Ali as the sole legal heir of the deceased owner Jamila Khatun. The petitioner has not received the advance of Rs.10,00,000/- (Rupees Ten Lacs) for the aforementioned land.

5. I have considered the submissions at the bar with circumspection. It appears that bail may be granted to the petitioner.

6. I have considered the submissions at the Bar and have also scrutinized the case diary. The petitioner has appeared before the I/O and his statement has been recorded. The petitioner has not violated the bail condition as imposed by this Court.

7. Considering all aspect, the interim bail order 22.08.2024 is hereby made

absolute with the same terms and conditions.

8. Anticipatory Bail application stands disposed of.

9. Send back the case diary.

JUDGE

Comparing Assistant