

GAHC010191232024



2024:GAU-AS:9776

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

Case No. : AB/2451/2024

NIBIR BORDOLOI
S/O NABAJYOTI BORDOLOI
R/O A.T. ROAD, WARD NO. 6,
P.O. AND P.S. SIVASAGAR,
DIST. SIVASAGAR, ASSAM
PIN-785640

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S A AHMED, C S KAMTHONG, A. KHANAM, MR. F A AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

27.09.2024

1. Heard Mr S A Ahmed, learned counsel for the petitioner, Nibir Bordoloi, who has filed this application under Section 482 of the BNSS, 2023, with prayer for pre-arrest bail, as he is apprehending arrest in connection with Sivasagar PS Case No. 88/2024,

corresponding to GR Case No. 161/2024, under Sections 406/420 of the Indian Penal Code, 1860.

2. Also heard Ms N Das, learned Additional Public Prosecutor for the State of Assam.

3. The FIR unfolds that the petitioner entered into an agreement for sale of a plot of land on 22.01.2016, with the informant's wife and took an amount as advance. The date of agreement was on 14.06.2018. However, on 25/06.2020, the petitioner executed an irrevocable Power of Attorney, in favour of the informant's wife and conferred the right of tenancy of the house along with other rights, but the same Power of Attorney has been revoked by the petitioner, on 21.12.2022. The informant was impelled to bring up a civil suit against the petitioner, which was registered as TS No. 10/2023, along with Misc (J) Case No. 8 of 2023.

4. Learned counsel for the petitioner through an additional affidavit has filed the Judgment and Order passed in Misc (J) Case No. 8/2023, arising out of TS No. 10/2023. The Misc (J) Case was dismissed and decreed in favour of the petitioner and the petitioner preferred an appeal before the Additional District Judge and this appeal was allowed by the learned Additional District Judge, vide order dated 31.05.2024, in connection with Misc Appeal No. 1/2023.

5. I have also scrutinized the Case Diary.

6. It appears that pre-arrest bail may be granted to the petitioner.

7. The petitioner is also willing to cooperate with the remaining part of the

investigation.

8. Considering all aspects, petition is allowed. In the event of his arrest, the petitioner shall be enlarged on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand Only), with one suitable surety of like amount to the satisfaction of the arresting authority, under the conditions that:

- i) the petitioner shall appear before the IO within one week and cooperate with the investigation, and
- ii) the petitioner shall not leave the jurisdiction of the Court, without prior permission.

9.1. On breach of any of the bail conditions, bail order shall stand automatically cancelled.

10. Anticipatory Bail Application stands disposed of.

11. Send back the Case Diary.

JUDGE

Comparing Assistant