

GAHC010201432024



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

Case No. : AB/2588/2024

SATYEN KUMAR SARMA
S/O BHABEN KUMAR SARMA
R/O SUGAM PATH,
FATASIL AMBARI
P.S. FATASIL AMBARI
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR, MR. G C DEKA, MR. S RANA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

Date : 01-10-2024

Heard Mr. S. Munir, learned counsel appearing for the petitioner. Also heard Mr. K. Baishya, the learned Additional Public Prosecutor, Assam appearing for the State respondents. By this application under Section 482 of Bharatiya Nagarik Suraksha

Sanhita (BNSS), 2023, the petitioner namely, Satyen Kumar Sarma, son of Bhaben Kumar Sarma prays for pre-arrest bail apprehending his arrest in connection with CID P.S. Case No.34/2015 registered under Section 120(B)/409/167/420/468/471 of IPC.

2. The petitioner is presently working as a Lot Mandal, in the Office of the District Magistrate and Deputy Commissioner, Kamrup(M), Guwahati.

3. According to him, he is no way connected with the case and that the main accused of the case is one, Hari Prasad Borah, the concerned Circle Officer at the relevant point of time who granted mutation to the other accused persons of the case fraudulently. It is also submitted by the petitioner that the said Hari Prasad Bora, main accused of the case, has already been granted pre-arrest bail by this Court on 27.07.2021.

4. Mr. K. Baishya, learned Additional Public Prosecutor, Assam has placed the relevant Case Diary pertaining to said CID P.S. Case No.34/2015.

5. The Case Diary reveals that only to misappropriate the compensation granted by the Railway Authority with regard to the land involved in the case, that have been acquired for laying railway lines, the accused persons of the case fraudulently mutated their names in the land records. The Case Diary also reveals that only on the basis of the report of the petitioner who was serving as a Lot Mandal at the relevant point of time with regard to land the involved in said CID P. S. Case No. 34/2015, the Circle Officer concerned had done the mutation in the name of the other accused persons of the case. The Case Diary further reveals that the petitioner as Lot Mandal obtained a report of a Gaon Burha to show that the other accused persons of the case are the legal heirs of the original owner of the land and that the report obtained by the petitioner from the said Gaon Burha is not the concerned Gaon Burha of the concerned village, but belongs to different village.

6. The note of the I/O further reveals the original records and the documents on the basis of which the petitioner submitted the report as Lot Mandal before the Circle

Officer concerned is yet to be recovered as well as other relevant documents in original relating to the said case are also yet to be recovered.

7. Considering the incriminating materials available in the Case Dairy and the notes of the Investigating Officer of the case, the Court is of the opinion that this is not a fit case to grant pre-arrest bail to the petitioner, named above, in said CID P.S. Case No.34/2013.

8. Accordingly this pre-arrest bail application stands dismissed.

9. Return the Case Diary.

JUDGE

Comparing Assistant