

GAHC010227332024



2024:GAU-AS:12432

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

Case No. : AB/2875/2024

NIRHANDRA THAOSEN
S/O LATE SONOT THAOSEN, R/O LNB ROAD HATIGAON, GUWAHATI,
KAMRUP (M), ASSAM, PIN-781038

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. I H SAIKIA, MS L HMAR, MR K KASHYAB, MR. K
KALITA, MR. B BORAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

09.12.2024

Heard Mr. I H Saikia, learned counsel for the petitioner and Mr. M P Goswami, learned Additional Public Prosecutor, Assam for the State.

2) Apprehending his arrest, the petitioner, namely, **Nirhandra Thaosen**, son of Late Sonot Thaosen, resident of LNB Road Hatigaon, Guwahati, Police Station-Dispur, District-Kamrup (Metro), has filed this application under Section 482 BNSS, 2023 praying for his pre-arrest bail in

Dispur Police Station Case No. 130/2024, registered under Sections 420/406/468/471 of the IPC, corresponding to G.R. No. 923/2024.

3) Earlier, the Court by order dated 04.11.2024, granted interim bail to the petitioner named above.

4) Mr. M P Goswami, learned Additional Public Prosecutor, Assam stated that after obtaining interim bail on 04.11.2024, the petitioner appeared before the Investigating Officer of said Dispur P.S. Case No. 130/2024 and his statement was accordingly recorded by the I.O. concerned.

5) From the FIR of the case relating to said Dispur P.S. Case No. 130/2024, it is seen that the complainant alleged that one Mukut Mustafa Ahmed @ Mukut Ali, who was the tenant of a shop of the complainant measuring 2000 sq. ft., paying a rent of Rs. 20,000/- per month, by manufacturing a forged sale deed in the name of his late father Md. Saidur Rahman, has taken over the possession of said land of the complainant.

6) The petitioner herein is a Deputy Registrar in the Revenue (Registration) Department and since 23.07.2017, he served as a Senior Sub-Registrar in the Guwahati Sub-Registrar Office. Thereafter, he was promoted to the post of Deputy Registrar and was subsequently transferred and posted in the Office of the Deputy Registrar, Nagaon, wherein, he has been serving in the said post since August 2023.

7) Mr. I H Saikia, learned counsel for the petitioner submitted that the main accused of the case, namely, Mukut Mustafa Ahmed @Mukut Ali, has already been granted pre-arrest bail by the learned Additional Session Judge, F.T.C No. 3, Kamrup (M), Guwahati, by order dated 27.03.2024 in A.B. Case No. 98/2024.

8) Perused the case diary placed before the Court today by Mr. M P Goswami, learned Additional Public Prosecutor, Assam.

9) As per the FSL report available in the case diary, the alleged sale deed, which was allegedly executed by the late father of the FIR named accused person, namely, Mukut Mustafa Ahmed @ Mukut Ali has been found to be a forged and in the case diary, there are sufficient indications regarding the involvement of the petitioner in the alleged crime, who had served in the Sub-Registrar Office at Guwahati city and that during the period, when the petitioner served in the said office, he was found to be involved in manufacturing forged sale deeds and other forged documents.

10) Mr. M P Goswami, learned Additional Public Prosecutor, Assam as such objected in granting pre-arrest interim bail to the petitioner in the case.

11) However, considering the materials in the case diary that nothing adverse in it that the petitioner is not co-operating with the investigation of the case and on hearing both the parties, the interim bail granted to the petitioner herein, namely, **Nirhandra Thaosen**, on 04.11.2024, in said Dispur P.S. Case No. 130/2024 is hereby made absolute, subject to the compliance of the terms and conditions specified in the said order dated 04.11.2024 passed earlier in the present proceeding and with the further condition that the petitioner shall appear before the concerned Investigating Officer of said Dispur P.S. Case No. 130/2024 on alternate Thursday, twice in every month, for the next 4 (four) English calendar months, **commencing from 19.12.2024**, or till filing of the charge-sheet in the case, whichever is earlier and also as and when he is required in said Dispur P.S. Case No. 130/2024.

12) With the above observations and directions, the prayer for pre arrest bail of the petitioner, named above, in said Dispur P.S. Case No. 130/2024 stands allowed to the extent above.

13) Return the case diary herewith.

JUDGE

Comparing Assistant