

GAHC010242992024



2024:GAU-AS:12464

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

Case No. : AB/3019/2024

BUBUL KALITA
S/O LATE PRASANNA KALITA
R/O 39 E, WIRELESS, BASISTHAPUR BYE LANE 01, BSNL OFFICE,
RAJDHANI CHAUHAAD, ASSAM SACHIVALAYA, P.O. ASSAM
SACHIVALAYA
DIST. KAMRUP (M), ASSAM
PIN-781006

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR W R MEDHI, MR P TALUKDAR, MR A V SINGH

Advocate for the Respondent : PP, ASSAM, MS R SAHIN(INFORMANT),MR. P K SARMA
(INFORMANT)

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

10-12-2024

Heard Mr. W. R. Medhi, 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, **Bubul Kalita**, son of Late

Prasanna Kalita, resident of 39 E, Wireless, Basisthapur Bye Lane 01, BSNL Office, Rajdhani Chauhaad, Assam Sachivalaya, P.O. Assam Sachivalaya, District-Kamrup (M) has filed this application under Section 482 BNSS, 2023, seeking pre arrest bail in **Kamalpur P.S. Case No. 164/2024** registered under Sections 318(4)/316(2) BNS.

3. As per the FIR dated 30.10.2024 lodged before the Officer-in-Charge of Kamalpur Police Station by the complainant, the case is that the petitioner along with another accompanied the complainant to the house of FIR named accused Aniruddha Kalita, where an agreement was executed by said Aniruddha Kalita for selling a plot of land measuring 25 Bighas to the complainant for an amount of Rs.85,00,000/-. As the FIR named accused Aniruddha Kalita failed to handover the land to the complainant, initially refunded an amount of Rs.5,00,000/- to him and then Rs.3,00,000/- in April-2024, but the remaining amount of Rs.77,00,000/- is yet to be refunded to the complainant. According to the complainant, neither the land has been handed over to him by said FIR named accused Aniruddha Kalita, nor he has returned the remaining amount of Rs.77,00,000/-.

4. Earlier, the Court by order 19.11.2024 while called for the case diary of said Kamalpur P.S. Case No. 164/2024, granted interim pre-arrest bail to the petitioner in said Kamalpur P.S. Case.

5. Mr. Goswami, learned APP, Assam from the case diary submitted that the petitioner pursuant to the order dated 19.11.2024 appeared before the concerned Investigating Officer of said Kamalpur P.S. Case No.164/2024 on 21.11.2024 and his statement has already been recorded.

6. From the case diary Mr. Goswami, learned APP also submitted that the petitioner is cooperating with the investigation of the case.

7. Considering the materials in the case diary as well as the fact that the petitioner, after obtaining interim pre-arrest bail in said Kamalpur P.S. Case No. 164/2024 has already appeared before the concerned Investigating Officer of said Kamalpur P.S.

Case and his statement has already been recorded, this Court is of the view that custodial interrogation of the petitioner is not warranted for investigation of said Kamalpur P.S. Case No. 164/2024. As such, this pre-arrest bail application of the petitioner is accepted.

8. Accordingly, the interim pre-arrest bail granted to the petitioner, Bubul Kalita earlier on 19.11.2024 in said **Kamalpur P.S. Case No. 164/2024** registered under Sections 318(4)/316(2) BNS, is hereby made absolute on condition that he shall comply with the terms and conditions specified in the said order dated 19.11.2024.

9 This pre-arrest bail application accordingly stands disposed of.

10. Return the case diary.

JUDGE

Comparing Assistant