

GAHC010252992024



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

Case No. : AB/3122/2024

SHASADHAR MAHANTA @ SASADHAR MAHANTA
S/O LATE KAMALA MAHANTA
R/O PARAKUCHI
P.S. PALASHBARI
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. T J MAHANTA, MS. P P DAS, MS P SARMA, MR. P P DUTTA

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

03.12.2024

Heard Mr. T.J. Mahanta, the learned senior counsel assisted by Mr. P.P. Dutta, the learned counsel appearing for the petitioner. Also heard Ms. N. Das, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 482 of the BNSS, 2023 praying for pre-arrest bail in respect of Palashbari P.S. Case No.317/2024, registered under Sections 318(4)/ 316(2)/ 336(3)/ 340(2) of the BNS, 2023.

3. The maternal uncle of the present petitioner had gifted a plot of land to him. It was a registered gift deed dated 29.06.1991. Since then, the petitioner has been enjoying that land. In the meantime, for construction of the National Highway No.17, a part of the land was acquired by the Government. Thereafter, the daughter and son of the maternal uncle of the present petitioner had lodged an FIR before police alleging that petitioner had fraudulently got the gift deed executed in his favour and thereby is in the possession of the said plot of land, which actually belong to them.

4. I have considered the submissions made by the learned counsel of both sides.

5. This Court is of the opinion that the only remedy left for the informants is to approach the civil court for seeking justice.

6. For the allegation brought against the present petitioner, he does not deserve to be detained in custody. Therefore, his pre-arrest bail application is allowed.

7. It is hereby directed that in the event of arrest in connection with Palashbari P.S. Case No.317/2024, registered under Sections 318(4)/ 316(2)/ 336(3)/ 340(2) of the BNS, 2023, the petitioner namely, Shasadhar Mahanta @ Sasadhar Mahanta shall be released on bail of ₹20,000/- with a surety of like amount to the satisfaction of the arresting authority.

8. The petitioner is directed to co-operate with Police Investigating Officer as and when required.

With the aforesaid direction, the present application is disposed of.

JUDGE

Comparing Assistant