

GAHC010268982023



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

Case No. : AB/4032/2023

RAMSANG MAR @ LALREMSANG HMAR AND ANR
S/O- THANGDUOILO HMAR, RESIDENTS OF VILL- BEITE PUNJI, P.O. AND
P.S. JIRIGHAT, DIST.- CACHAR, ASSAM, PIN- 788104

2: ANGBAR MAR @ ENGVAR HMAR
S/O- LATE LALKAI HMAR
RESIDENTS OF VILL- BEITE PUNJI
P.O. AND P.S. JIRIGHAT
DIST.- CACHAR
ASSAM
PIN- 78810

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. P K DEKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 09-02-2024

Heard Mr. P. K. Deka, learned counsel for the applicant and Mr. R. J. Barua,
learned Additional Public Prosecutor for the State respondent.

Apprehending arrest in connection with Hojai P.S. Case No. 390/2023,(GR No. 1583/2023) under Sections 420 /294/ 506/ 34 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by two applicants, namely, 1. Ramsang Mar @ Lalremsang Hmar and 2. Angbar Mar @ Engvar Hmar, for grant of pre-arrest bail.

It is to be noted here that the above noted case has been registered on the basis of an FIR lodged by one Inam Uddin on 3.9.2023.

The essence of allegation made in the FIR dated 3.9.2023, is that the informant entered into an agreement with accused Thangduoilo Hmar on 2.4.2020, for purchasing one garden of Agar trees and executed one Notary agreement on 9.9.2022 at Cachar, Silchar and as per the said agreement the informant had borne the cost of maintaining the Agar trees and thereafter, Thangduoilo Hmar on 7.3.2021 came to his house and received a sum of Rs.1,80,000/- from him, but later on, said Thangduoilo Hmar had sold the said garden to another person and thereby cheated him and whenever the informant has inquired about the same from the accused persons, then the accused have rebuked him with abusive words and also threatened to kill him by showing fire arms and on 2.6.2023 when he went to the house of accused No.1 for returning the sum of Rs. 9,00,000/-, then the accused persons told him that they will never return the amount and thereafter, rebuked him and also assaulted him.

Mr. Deka, learned counsel for the applicants submits that this Court was pleased to grant interim protection to the applicants, vide order dated 1.12.2023, and pursuant to the said order, they had appeared before the I.O and cooperating with the investigating agency, and therefore, it is contended to make the interim order dated 1.12.2023, absolute in the same terms and conditions.

On the other hand, Mr. Barua, learned Addl. P.P. submits that he has not received the case diary and as per his instruction, the I.O. has completed investigation and submitted charge sheet being charge sheet No. 390 of 2023, dated 30.11.2023, u/s 420 /294 /506 /34 of the IPC, against the two applicants.

In view of the submission of learned Advocates of both sides, this Court is inclined to dispose of this petition by directing the applicants to appear before the learned Court below on **26.2.2024** and to apply for regular bail and in the event of filing such an application, the learned Court below shall consider the same in accordance with law.

Till then, interim order dated 01.12.2023 shall continue.

JUDGE

Comparing Assistant