

GAHC010270102023



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

Case No. : AB/4062/2023

LUCKY SAIKIA
W/O- MANTU SAIKIA, R/O- GOTANAGAR NAMGHAR PATH, P.S.
JALUKBARI, DIST.- KAMRUP (M), ASSAM, PIN- 781013

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR Z HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 28-02-2024

Heard Mr. R. Islam, learned counsel for the applicant and also heard Mr. B. Sarma, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with Gorchuk P.S. Case No.207/2023, under Sections 420/406 IPC, this application u/s 438 is preferred by applicant, namely, Lucky Saikia, for grant of pre-arrest bail.

The above noted case has been registered on the basis of an FIR, lodged by one Prativa Kalita on 4.5.2023.

The essence of allegation made in the FIR, dtd. 4.5.2023, is that one Lucky Saikia, wife of Mantu Saikia of west Baragaon, on 5.1.2023 shown the informant a plot of land, situated behind the DTO, Kamrup and Hyundai Spectrum and introduced herself as the owner of said plot of land and then the informant, alongwith the friend of her husband, Sri Muhidhar Saikia, visited the said plot of land and agreed to purchase the same, by executing one agreement and both of them have paid a sum of Rs.30,50,000/- and Lucky Saikia had issued money receipt to them and later on, while they went to occupy the said plot of land, then one Dhiraj Deka prevented them from occupying the said land and lodged a complaint with the police for trying to grab the land illegally and informed her that Lucky Saikia is not the owner of the said plot of land and whenever, they met Lucky Saikia then her husband had issued 2 nos. of cheque to her but, she has not received the amount and Lucky Saikia has defrauded them.

Learned counsel for the applicant submits that the husband of the applicant was arrested, in this case and he was also enlarged on bail and that the case is of civil nature and the applicant is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

On the other hand, Mr. B. Sarma, learned Addl. P.P. submits that the I.O. has collected sufficient incriminating materials against the applicant and the I.O. has seized the money receipt issued by her to the informant and Mohidhar Saikia and therefore, Mr. Sarma has opposed the petition.

Having heard the submission of learned Advocates of both sides, I have gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Sarma, learned Addl. P.P.

Case diary indicates that the I.O. has collected sufficient incriminating materials

against the applicant and investigation is going on and at this state, it cannot be said that custodial interrogation of the applicant is not required, in the interest of investigation and accordingly, this Court is of the view that this is not a fit case where the privilege of pre-arrest bail can be granted to the applicant.

Accordingly, the petition stands dismissed. Case diary be returned.

JUDGE

Comparing Assistant