

GAHC010270872023



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

Case No. : AB/4047/2023

DEEPAK TALUKDAR
S/O LATE BIPIN TALUKDAR
R/O HOUSE NO. 1,
NEAR PRATIDIN PRESS,
JYOTINAGAR, BAMUNIMAIDAN, P.O. BAMUNIMAIDAN, P.S. CHANDMARI,
GUWAHATI-21, DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B D DEKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 20-02-2024

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

Apprehending arrest in connection with Chandmari P.S. Case No. 419/2023, under Sections 468/420 IPC, this application under Section 438 Cr. P. C. is

preferred by applicant, namely, Sri Deepak Talukdar for grant of pre-arrest bail. The above noted case has been registered on the basis of an FIR lodged by one Dipjyoti Barman on 15.11.2023.

The essence of allegation made in the FIR dated 15.11.2023, is that Sri Deepak Talukdar has manufactured a Gift Deed by forging the signature of the informant-Deepjyoti Barman and his brother Paragjyoti Barman, being Gift Deed No. 12030, executed on 21.11.2020 and registered on 7.12.2020 in collusion with the officials of Sub-Registrar, Kamrup.

Mr. Deka learned counsel for the applicant submits that this Court, vide order dated 1.12.2023, granted the privilege of pre arrest bail to the applicant and pursuant to the said order, the applicant had appeared before the I.O. and cooperating with the investigating agency and therefore, Mr. Deka contended to make the interim order dated 1.12.2023, absolute in same terms and condition. Whereas, Mr. B. Sarma, learned Addl. P.P. has produced the case diary before this Court and submits that FSL report has not yet been received though he has received the case diary, but, Mr. Sarma confirmed that the applicant had appeared before the I.O. and I.O. has released him without furnishing any bail bond by the applicant.

Having heard the submission of learned Advocates of both sides, I have carefully perused the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Sarma, learned Addl. P.P. It appears that the applicant had appeared before the I.O. and cooperating with the investigating agency. Further, it appears that the I.O. has achieved substantial progress in the investigation of this case and material part of the investigation is almost over and it is pending for collection of FSL report only. In view of the materials collected so far in the case diary as well as the stage of

investigation and also in view of the co- operation being extended to the investigating agency by the applicant, his custodial interrogation seems to be not warranted herein this case, and accordingly, interim order dated 1.12.2023, is hereby made absolute, in the same terms and condition.

In terms of the above this A.B stands disposed of.

Case diary be returned.

JUDGE

Comparing Assistant