

GAHC010279992023



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

Case No. : AB/4163/2023

LATIF ALI
S/O LATE KUDUR ALI
R/O SATGAON,
MILIJULI PATH,
P.O. UDYAN VIHAR, P.S. SATGAON, DIST. KAMRUP (M), ASSAM
PIN-781171

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B D KONWAR SR. ADV.

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

24.01.2024

Heard Mr. B.D. Konwar, learned Senior counsel assisted by Ms. V.V. Thanyu, learned counsel for the applicant and also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Satgaon P.S. Case No.226/2023, under Section 120(B)/406/420/468/471/506 IPC, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Latif Ali, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Jadunandan Ray Kalita on 30.11.2023. The essence of allegation made in the aforesaid FIR is that one Latif Ali of Satgaon, Guwahati, has executed an agreement with him for selling a plot of land measuring 9 lechas, situated at Kalitakuchi, covered by Dag No.170, K.P. Patta No.107 under the Revenue Village of Kalitakuchi, Mouza-Beltola and later on Latif Ali on several times refused to register the same, though he has received a sum of ₹ 75,000/- and thereafter, he entrusted the task to one Nazmul Alam for execution of the sale deed and Nazmul Alam also took a sum of ₹ 3,80,000/- from him and both the persons cheated him by selling the aforementioned plot of land to which none of them were the owners.

4. Mr. Konwar, learned Senior counsel for the applicant submits that the applicant was granted the privilege of interim pre-arrest bail by this Court vide order dated 12.12.2023 and pursuant to the said order, the applicant had appeared before the I.O. and his statement is recorded and that the matter relates to document and in support of the allegation, no sale deed has been produced by the informant and he is ready to cooperate with the investigating agency and his custodial interrogation may not be required in the interest of investigation, since he has been cooperating with the investigating agency and therefore, it is contended to make the interim order dated 12.12.2023 absolute, in the same terms and conditions.

5. On the other hand, Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials against the applicant and the co-accused, namely, Najmul Alom @ Moon Choudhury has already been arrested here in this case and his bail application is rejected by this Court by perusing the case diary in Bail Appln. No.4620/2023 and therefore, it is contended to dismiss the petition. However, Mr. Baruah

submits that the applicant had appeared before the I.O. and his statement is also recorded.

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

7. It appears that the I.O. has collected some incriminating materials against the present applicant, but it also appears that the applicant has been cooperating with the investigating agency pursuant to the order dated 12.12.2023. Further, it appears that the matter relates to documentary evidence and the same has already been collected and in that view of the matter, custodial interrogation of the applicant seems to be not warranted here in this case and therefore, this Court is inclined to make the interim order dated 12.12.2023 absolute, in the same terms and conditions. Case diary be returned.

8. In terms of above, this anticipatory bail application stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant