

GAHC010287302023



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

Case No. : AB/4270/2023

OM KRISHNA SHRESTHA
S/O LATE BISHNUMAN SHRESTHA
R/O HOUSE NO. 63, RANTIK PATH,
UDAYAN PATH, DWARKA
NAGAR,
P.S. DISPUR, GUWAHATI
DIST. KAMRUP (M), ASSAM
PIN-781022

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. K BHATTACHARJEE

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

24.01.2024

Heard Mr. K. Bhattacharjee, learned counsel for the applicant and also heard Mr.

P.S. Lahkar, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Dispur P.S. Case No.2291/2023, under Section 420/406/468/419/120B IPC, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Om Krishna Shrestha, 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 Parikshit Kalita on 20.08.2023. The essence of allegation made in the aforesaid FIR is that one Debajit Nath, Imtiaz Ahmed, Prodyotpran Saikia and Hemen Brahma took a sum of ₹ 85,00,000/- from the informant and his friend for selling a plot of land measuring 1 katha 15 lechas covered by Dag No.110(old)/988(new) of K.P. Patta No.89 of village No.1 Hengrabari, under Beltola Mouza by making false power of attorney and also impersonating the actual owner of the aforementioned plot of land.

4. Mr. Bhattacharjee, learned counsel for the applicant submits that the applicant is a practicing advocate and he is the lawyer of the informant and that he is no way involved with the offence alleged in the FIR and this Court was pleased to grant him interim pre-arrest bail vide order dated 19.12.2023, and pursuant to the said order, the applicant had appeared before the I.O. and he has been cooperating with the investigating agency and therefore, Mr. Bhattacharjee submits that the interim order, dated 19.12.2023, may be made absolute, in the same terms and conditions.

5. On the other hand, Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and fairly submits that the materials collected so far in the case diary are inadequate to show complicity of the applicant with the offence alleged in the FIR.

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. Lahkar, learned Additional P.P.

7. In view of the materials collected so far in the case diary and also in view of the

submission of learned Advocates of both sides and also in view of the cooperation being extended by the applicant to the investigating agency, his custodial interrogation seems to be not warranted here in this case and therefore, this Court is inclined to make the interim order dated 19.12.2023 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