

GAHC010289472023



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

Case No. : AB/4287/2023

RANJIT CHOUDHURY
S/O LT. PROMOD CHOUDHURY R/O HOUSE NO. 25 A RAJGHAR ROAD BYE
LANE 11 P.S. CHANDMARI DIST. KAMRUP (M) ASSAM PIN 781005

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. K N CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 03-01-2024

Heard Mr. K. N. Choudhury, learned Senior Counsel assisted by Mr. N. Sarkar, learned counsel for the applicant and also heard R. J. Barooah, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with Gorchuk P.S. Case No.324/2023, under

Sections 120 (B)/ 467/468/447/427/379 IPC, this application under Section 438 Cr.P.C. is preferred by the applicant, namely, Sri Ranjit Choudhury, for grant of pre-arrest bail.

The above noted case has been registered on the basis of an FIR lodged by one Sri Dhanraj Parit, on 29.11.2023.

The essence of allegation made in the FIR dated 29.11.2023 is that on 11.06.2023 one Mintu Rabha, Moinul Haque(Advocate) and Mr. Anil Musahari of Betkuchi entered into his land alongwith fifty doubtful persons, in the midnight, preparing fake sale deed and fake document, and they also threatened him with dire consequences if he comes to his land

Mr. K. N. Choudhury, learned Senior counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant, vide order dated 22.12.2023 and pursuant to the said order, the applicant had appeared before the I.O. on 30.12.2023. Mr. Choudhury, further submits that prior to this, the applicant had also received one notice u/s 160 Cr.P.C. from the I.O. concerned and pursuant to the said notice, he had appeared before the I.O. on 14.10.2023 and he has been cooperating with the investigating agency. Mr Choudhury further submits that the allegation against the applicant is that he had issued certified copy of a deed which was executed in the year, 2006 and at that point of time, one Gautam Sarma was the Sub-Registrar in the office of the Sub-Registrar, Kamrup and the present applicant joined as Sub-Registrar in the month of October, 2018 and that even if the allegation made in the FIR dated 29.11.2023 is taken into account as a whole, no offence under Sections 120 (B)/ 467/468/447/427/379 IPC appears to be made out against the present applicant and therefore Mr. Choudhury, contended to make the interim order dated 22.12.2023 absolute in the same terms and condition.

On the other hand, Mr. R. J. Barooah, learned Addl. P.P. produced the case diary before this Court and submits that the I.O has collected sufficient incriminating materials against the applicant and that he is the kingpin of the offence and therefore,

Mr. Barooah has vehemently opposed the petition and contended to dismiss the same. 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. Barooah, learned Addl. P.P.

It is not in dispute that pursuant to order dated 22.12.2023, the applicant had appeared before the I.O and prior to that day also on 14.10.2023, the applicant had appeared before the I.O. pursuant to a notice received by him, issued u/s 160 Cr.P.C. Thus it appears that he has been cooperating with the investigating agency. It also appears from the record that the I.O. has achieved substantial progress in the investigation of the case. And in view of the materials collected so far in the case diary and also in view of the submission so advanced by learned Advocates for both sides, custodial interrogation of the applicant seems to be not warranted in the interest of the investigation of the case and therefore, this Court is inclined to make the interim order dated 22.12.2023, 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