

GAHC010289742023



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

Case No. : Bail Appln./4671/2023

DEV NATH SHARMA
S/O- LATE BHAGAWAT SHARMA, R/O- SONAI MIKIR PATH, H NO. 39, NEAR
SAATGAON PS, P.S- SATGAON, DIST- KAMRUP (M), GHY- 781171

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. D BORAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 18-01-2024

Heard Mr. D Borah learned counsel for the petitioner and Mr. P Borthakur, learned Addl. PP, Assam.

This is an application under section 439 Cr.P.C whereby the petitioner Dev Nath Sharma praying for releasing him on bail after he was arrested on 08.12.2023 in connection with Noonmati PS Case

No.147/2023 under sections 447/467/468/471/506 IPC.

On 23.03.2018, the brothers Nagen Ch. Das, Upen Ch. Das, Shri Kamala Kanta Das and Shri Haramohan Chandra Das jointly executed a sale deed in favour of the present petitioner in respect of a plot of land. Thereafter Smti Dipika Das, wife of the said seller Kamal Kanta Das had lodged an FIR before the police alleging that her husband died on 25.01.2018 though the sale deed shows that her deceased husband Kamala Kanta Das had executed the sale deed on 23.03.2018.

It may be mentioned that the heirs of late Kamala Kanta das, Nagen Ch Das and the heirs of Upen Ch. Das and Haramohan Chandra Das have already filed a civil suit against the present petitioner for execution of the said sale deed.

The petitioner could not offer any explanation as to how a dead person had executed the sale deed on 23.03.2018 whereas he died on 25.01.2018.

This court is of the opinion that the petitioner failed to present the case before this court to have a favourable view in his favor. Therefore, the bail application stands dismissed.

JUDGE

Comparing Assistant