

GAHC010291712023



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

**Case No. : AB/4312/2023**

SAMIR CHOWDHURY  
S/O LATE NURUL HUSSAIN CHOWDHURY  
R/O H/NO. 09, SHAKTI PATH,  
VISHNU NAGAR, PANJABARI, GUWAHATI,  
P.O. PANJABARI, P.S. SATGAON  
DIST. KAMRUP (M), ASSAM  
PIN-781037

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. P DUTTA**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MRS. JUSTICE MITALI THAKURIA**

**ORDER**

**Date : 07.02. 2024**

Heard Mr. P. Dutta, learned counsel for the petitioner and Mr. D. Das, learned Addl. Public Prosecutor, appearing on behalf of the State respondent.

This is an application under Section 438 Cr.P.C., filed by the petitioner, namely Samir

Choudhury, praying for pre- arrest bail who is apprehending arrest in connection with Crime Branch P.S. Case No. 09/2023 under Sections 120B/ 419/ 420/ 468/ 471/409 IPC.

Case diary is received and peruse.

Heard both sides.

It is submitted by Mr. P. Dutta, the learned counsel for the petitioner that the petitioner is not involved with the alleged offence and he has purchased a plot of land from the original owner, Sri Khagen Boro, who executed a sale deed on 31.12.2004. After institution of the FIR by Inspector, Chandan Das, mutation order was cancelled by the Circle Officer. He is a genuine purchaser and not involved in the alleged offence. However, the petitioner is ready and willing to cooperate with the investigation, if he is granted the privilege of pre-arrest bail.

In this Context, Mr. D. Das, learned Addl. PP has submitted that from the materials available in the case diary, it is seen that it is a surplus land and the patta was issued in the name of the original owner Khagen Boro 24.03.2004 as per statement of the Circle Officer. Further he has submitted that from the sale deed annexed by the petitioner, it reveals that the date of execution of the sale deed is 31.12.2004 i.e. after issuance of patta in the name of original owner.

There are no materials available in the case diary showing the involvement of the accused petitioner for the offence as alleged in the FIR. The learned Addl. PP has submitted that the petitioner may be allowed to appear before the I.O. alongwith all relevant documents including sale deed for proper investigation.

Considering the submissions of the learned counsel for the parties and as well as the fact that the sale deed was executed by Khagen Boro on 31.12.2004 after issuance of Patta in his name, I find it to be a fit case to extend the benefit of pre-arrest bail to the petitioner.

Accordingly, it is directed that in the event of arrest of the petitioner in connection with the aforementioned case, he be released on pre-arrest bail on furnishing a bond of Rs. 20,000/- with a suitable surety of like amount to the satisfaction of the arresting authority subject to the following conditions that:-

1. the petitioner shall appear before the I.O. within 7 days from today.

2. the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;
3. the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any other police officer, and
4. the petitioner shall not hamper the investigation or temper with the evidence of the case.

With the above directions and observation, the bail application stands disposed of.

Return the case diary.

**JUDGE**

**Comparing Assistant**