

GAHC010292992023



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

Case No. : AB/4352/2023

BIKRAM SINGHA LAHKAR
S/O LATE KHAGEN SINGHA
LAHKAR
R/O VIDYANAGAR, P.S. JALUKBARI
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR H K DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

12.01.2024

Heard Mr. H.K. Das, learned counsel for the applicant and Mr. B. Sarma, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Jalukbari P.S. Case No. 719/2023**, under Sections 120[B]/468/420 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, **Sri Bikrom Singha Lahkar** for grant of pre-arrest bail.

3. The said case was registered on the basis of an FIR lodged by one Dhruba Ch. Das, on 29.11.2023. The essence of allegations made in the FIR is that one Bikrom Singha Lahkar approach the informant who is the owner of a plot of land, measuring 1 Bigha, along with Kunjadhar Das; Binoy Das; and Binu Das, to sale 4 Kathas of land fixing the rate at Rs. 45,00,000/- per Katha and accordingly, executed and registered sale deed to that effect, but, till date he has not paid the agreed amount, rather, he took a sum of Rs. 70,00,000/-, and since 2019 he has not been returning the amount to them.

4. Mr. Das, learned 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 IO and has been cooperating with the investigating agency and therefore, it is contended to make the interim order dated 22.12.2023, absolute in the same terms and conditions.

5. On the other Mr. Sharma, learned Additional Public Prosecutor by producing the case diary before this Court, submits that the investigation of the case is substantially progressed and now the case is pending for furnishing some documents by the applicant.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

7. In view of the submissions of learned counsel for both the parties and also considering the fact that the applicant has been cooperating with the investigating agency and that of the progress of investigation, this Court is of the view that his custodial interrogation seems to be unwarranted here in this case.

And therefore, this Court is inclined to make the interim order dated **22.12.2023**, **absolute** in the same terms and condition. This Court also directs that the applicant shall furnish the Xerox copies of relevant documents to the IO, within a period of one week from today.

8. In terms of above this AB stands disposed of.

9. The case diary be returned.

JUDGE

Comparing Assistant