

GAHC010295312023



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

Case No. : Bail Appln./4710/2023

AMULYA MOHAN KALITA @ AMULYA KALITA AND 2 ORS
S/O LATE CHANDRA MOHAN KALITA
R/O DURGA SAROBAR, MAHADEV PATH, P.S. BHARALUMUKH,
DIST. KAMRUP (M), ASSAM

2: PANKAJ DAS
S/O LATE AKON DAS
R/O K.R.B. ROAD, BHARALUMUKH P.S. BHARALUMUKH
DIST. KAMRUP (M), ASSAM

3: ROHAM RAHMAN
S/O LATE ABDUL RAHMAN
R/O GANESHPARA, GARAGE GALI B/L-5 LAKHI PATH
P.S. FATASIL AMBARI, DIST. KAMRUP (M), ASSAM

---VERSUS---

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. C K NATH

Advocate for the Respondent : PP, ASSAM

- B E F O R E -
HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA
ORDER

09.01.2024

Heard Mr. B.K. Mahajan, learned counsel for the petitioners. Also heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam appearing for the State.

This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioners in connection with Bharalumukh P.S. Case No.362/2023 registered under Sections 420/406/409/468/471/34 of the Indian Penal Code.

One Manik Das had grabbed a plot of land by manufacturing false sale-deeds etc. He even managed to bring his name mutated in the land records. Manik Das died subsequently. During his life time, he wanted to sell the said plot of land and therefore, he had entered into a contract with the present petitioners who were willing to purchase the said plot of land. Manik Das even took some amount of money from the petitioners. Since Manik Das died, the petitioners could not purchase the said plot of land.

From the case diary, it appears that the present three petitioners were *bonafide* purchasers having no knowledge about the fraudulent activity done by late Manik Das.

This Court is of the opinion that there are no incriminating materials in the case diary against the present three petitioners.

Therefore, the bail application of the petitioners is allowed.

The present petitioners, namely, (1) Amulya Mohan Kalita @ Amulya Kalita, (2) Pankaj Das and (3) Rohan Rahman shall be released on bail of Rs.50,000/- each with one surety of each of like amount subject to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M), Guwahati.

The instant bail application stands disposed of accordingly.

Send back the Case Diary.

JUDGE

Comparing Assistant