AB 4030/2012

**BEFORE** 

HON'BLE MR. JUSTICE C.R. SARMA

Heard Mr. HRA Choudhury, learned senior counsel, assisted by Ms. SK Nargis, lear ned counsel, appearing for the petitioner and Mr. B.B. Gogoi, learned Additional Public prosecutor, Assam, appearing for the State respondent.

Perused the case diary.

By this application, filed under Section 438 Cr. P.C., the petitioner, namely, M d. Abdul Malik has prayed for pre-arrest bail, in connection with Mangaldoi P.S. Case No. 505/2012, under Sections 454/ 380 IPC.

The informant in this case has alleged that he has already instituted civil suit claiming preemption in respect of the disputed land against the petitioner and that the petitioner has closed the gate, leading to the disputed land, by puttin g a lock, thereby obstructing the informant from entering the land in respect of which he instituted civil suit.

Having heard the learned counsel, appearing for both the parties, I do not find any reason for custodial interrogation/ detention of the petitioner. Accordingly, the interim order dated 01.10.2012 is made absolute, subject to the condition that the petitioner shall appear before the I.O. within seven days from this date or on such other dates as may be so required for the purpose of investigation.

Return the case diary.
Bail application is disposed of.