

GAHC010037162024



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

Case No. : AB/462/2024

JITU SAHARIA
S/O LATE PUTUL SAHARIA
R/O VILL- GELABIL
P.O. AND P.S. ORANG
DIST. UDALGURI, BTR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR M AHMED

Advocate for the Respondent : PP, ASSAM

**BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN**

ORDER

04.03.2024

Heard Mr. M. Ahmed, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Dalgaon P.S. Case No.373/2023, under

Section 468/471/34 IPC, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Jitu Saharia, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Jumar Ali on 04.11.2023. The essence of allegation made in the aforesaid FIR is that one Abdul Rahman, Gaon Burah of Golandi village has issued one next to kin report dated 05.10.2023 for mutation of a plot of land covered by Dag No.19, Miyadi Patta No.23 standing in the name of his father situated at 1 No. Golandi Gaon, stating that his father suffered demise and Ashuruddin is the only son of his father and on the basis of the said report the plot of land standing in the name of his father, mutated in the name of Ashuruddin by Lat Gaon Burah and in spite of knowing the fact that Ashuruddin is not a member of his family and he did the same having conspired with the Lat Mandal.

4. Mr. Ahmed, learned counsel for the applicant submits that the Gaon Burah of the village has already been granted the privilege of pre-arrest bail vide order dated 27.12.2023 and that the present applicant is serving as a Lat Mandal in the Office of the Mangaldoi Revenue Circle and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials against the present applicant and therefore, Mr. Sarma has opposed the petition.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Sarma, learned Additional P.P.

7. The case diary indicates that the I.O. has collected sufficient incriminating materials in support of the allegation made in the FIR. In view of the stage of investigation and in view of the materials collected so far in the case diary, it cannot be said that custodial

interrogation of the applicant is not required in the interest of investigation. His custodial interrogation seems to be indispensable in the interest of investigation and therefore, this Court is of the view that this is not a fit case where the privilege of pre-arrest bail can be granted to the applicant and accordingly, the anticipatory bail application stands dismissed.

8. Case diary be returned.

**Sd/- Robin Phukan
JUDGE**

Comparing Assistant