

GAHC010062862024



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

Case No. : AB/805/2024

ANJAN DAS AND ANR
S/O TARUN CHANDRA DAS, R/O VILL- MIRZA, P.O.-MIRZA, P.S.-
PALASHBARI, DIST- KAMRUP, ASSAM

2: PRADIP KALITA
S/O NAGEN KALITA
R/O VILL- RAMPUR
P.O.-RAMPUR
P.S.-PALSHABARI
DIST- KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R SARMA

Advocate for the Respondent : PP, ASSAM

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

ORDER

29.04.2024

Heard Mr. R. Sarma, learned counsel for the applicants and also heard Ms. N. Das,

learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Bhangagarh P.S. Case No.26/2024 under Section 120B/420/406/468 IPC, this application under Section 438 Cr.P.C. is preferred by two applicants, namely, Anjan Das and Pradip Kalita, for grant of pre-arrest bail.

3. It is to be noted here that the above-noted case has been registered on the basis of an FIR lodged by one Vishnu Priya Hazarika, on 29.01.2024. The essence of allegation made in the aforesaid FIR is that the informant is the owner of a plot of land, which she had purchased vide Deed No.935/93, dated 25.02.1993, but one Anima Sarkar, W/o Deben Sarkar has fraudulently prepared a power of attorney on 19.11.2019 showing another woman in her place and sold her land to other person.

4. Mr. Sarma, learned counsel for the applicants submits that the applicants are innocent and they are no way involved with the offence alleged in the FIR and they have appeared before the I.O., pursuant to the order of this Court dated 28.03.2024 and cooperating with the investigating agency and therefore, Mr. Sarma submits that the interim order dated 28.03.2024, may be made absolute, in the same terms and conditions.

5. On the other hand, Ms. N. Das, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the material part of the investigation is almost over and the applicants have also been cooperating with the investigating agency.

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 Ms. Das, learned Additional P.P.

7. In view of the cooperation being extended by the applicants to the investigating agency and also in view of the progress achieved in the investigation by the Investigating Officer, custodial interrogation of the applicants seems to be not warranted here in this case and therefore, this Court is inclined to make the interim order dated 28.03.2024,

absolute, in the same terms and conditions. Case diary be returned.

8. In terms of above, this anticipatory bail application stands disposed of.

**Sd/- Robin Phukan
JUDGE**

Comparing Assistant