

GAHC010052002024



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

Case No. : AB/648/2024

GOLAK KALITA AND ANR
S/O LATE THANESHWAR KALITA
RESIDENT OF VILLAGE GODEBARI, PO AND PS PALASHBARI, DIST
KAMRUP ASSAM 781128

2: PRANITA KALITA
W/O GOLAK KALITA

RESIDENT OF VILLAGE GODEBARI
PO AND PS PALASHBARI
DIST KAMRUP ASSAM 78112

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MR. M U MAHMUD

Advocate for the Respondent : PP, ASSAM

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

ORDER

26.04.2024

Heard Mr. M.U. Mahmud, 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 Palashbari P.S. Case No.441/2023 under Section 120B/420/466/468/471/34 IPC, this application under Section 438 Cr.P.C. is preferred by two applicants, namely, Golak Kalita and Pranita Kalita, 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 Saju Tk, on 25.11.2023. The allegation made in the FIR relates to manufacturing of forged sale deed by the present applicants in respect of selling of a plot of land to the informant of the said case.

4. Mr. Mahmud, learned counsel for the applicants submits that the applicants were granted the privilege of interim pre-arrest bail vide order dated 22.03.2024 and pursuant to the said order, they have appeared before the I.O. and their statements have also been recorded and therefore, Mr. Mahmud contended that the interim order dated 22.03.2024, 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 applicants have appeared before the I.O. and their statements have already been recorded and they have been cooperating with the investigating agency. However, Ms. Das submits that the I.O. has collected some incriminating materials against the applicants and therefore, Ms. Das 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 Ms. Das, learned Additional P.P.

7. The case diary indicates that the I.O. has collected some incriminating materials against the present applicants. But it also appears that the applicants have already been granted the privilege of pre-arrest bail vide order dated 22.03.2024 and thereafter, they have appeared before the I.O. and they have been cooperating with the investigating

agency. In view of above and also in view of the progress of investigation, 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 22.03.2024, 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