

GAHC010042342024



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

Case No. : AB/500/2024

DEBAASHIS BANERJEE @ DEBASHISH PAL @ DEBASHIS PAL
S/O LATE MIHIRAKUR PAUL
RESIDENT OF DEBEN PATTI, MAHASING MEGHARAJ JAYNARAYAN ROAD,
PS PAN BAZAR, GUWAHATI ASSAM 781001

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. K MOHAMMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

12.03.2024

Heard Mr. S. Khound, learned counsel for the applicant and also heard Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under Section 438 Cr.P.C. is preferred by the applicant, namely,

Debaashis Banerjee @ Debashish Pal @ Debashis Pal, who has been apprehending arrest in connection with Geetanagar P.S. Case No.29/2024, under Section 143/447/468/471 IPC, 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 Sandeep Choraria, on 06.12.2023. The essence of allegations made in the aforesaid FIR is that he is the owner of a plot of land covered by Dag No.642 (old) / 1677 (new) of Kheraj Patta No.303 (old)/566(new) situated at Japorigog village and on 27.10.2022, at around 7:00 p.m. in the evening, a group of unknown persons led by one Muzamil Haq and Debaashis Banerjee entered into the said plot of land and forcefully drove away the watchman and locked the gate from inside and they have produced forged and fake land documents in the police station and they grab this plot of land.

4. Mr. Khound, learned counsel for the applicant submits that the present applicant is the caretaker of the aforesaid plot of land and one Gayatri Benerjee Kohli is the owner of the said plot of land and that the applicant is no way involved with the offence alleged in the FIR and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow this petition.

5. On the other hand, Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and fairly submits that the materials collected so far in the case diary are inadequate to show the complicity of the applicant with the offence alleged in the FIR.

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. Lahkar, learned Additional P.P.

7. In view of the materials collected so far in the case diary and also in view of the submission of learned Advocates of both sides and also having regards to the nature and gravity of the offence, custodial interrogation of the applicant seems to be not warranted

here in this case and therefore, this Court is inclined to allow this petition. It is provided that in the event of arrest of the applicant, namely, Debaashis Banerjee @ Debashish Pal @ Debashis Pal, in connection with Geetanagar P.S. Case No.29/2024, under Section 143/447/468/471 IPC, he shall be enlarged on pre-arrest bail on his executing a bond of ₹ 50,000/- with one surety of the like amount to the satisfaction of the arresting authority. The above privilege is, however, subject to the following conditions:-

- (i) The applicant shall make himself available for interrogation by the Investigating Officer as and when required;
 - (ii) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
 - (iii) The applicant shall not leave the jurisdiction of the learned C.J.M., Kamrup(M), without prior permission.
8. In terms of above, this anticipatory bail application stands disposed of.
9. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant