

GAHC010007912024



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

Case No. : AB/144/2024

SARITA DEVI JAIN
W/O SRI SUSHIL KUMAR JAIN
R/O A201, NEHA APARTMENT, BLOCK-2, ATHGAON, P.S. BHARALUMUKH,
DIST.KAMRUP (METRO), ASSAM,
PIN-781001
PH. 9829447663

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B D KONWAR SR. ADV.

Advocate for the Respondent : PP, ASSAM

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

ORDER

09.02.2024

Heard Mr. B.D. Konwar, learned Senior counsel assisted by Mr. H. Agarwal, 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 Crime Branch P.S. Case No.11/2021, under Section 120(B)/420/409/467/468/471 IPC, this application under Section 438 Cr.P.C. is preferred by the applicant, namely, Smt. Sarita Devi Jain, 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 ADC Munindra Bordoloi of Kamrup Metropolitan district on 20.09.2021. The essence of allegation made in the aforesaid FIR is that his office received regular complaints in respect of the corrupt officials of several Circle Offices of Kamrup Metropolitan district, who used to engage undesirable middlemen to collect the undue advantage (bribes) and also in respect of adopting corrupt practices such as hampering the delivery system of Revenue Administration and causing severe inconvenience to general public and specific incident also came to light through sources information and also in newspaper reports in Niyamia Barta, wherein it has been reported that in Noonmati, Narengi, Gopal Nagar, Salbari, Kailash Nagar under Guwahati Circle, the middlemen have been collecting ₹ 500/- to ₹ 1000/- from the landless people in the name of issuing land patta and the irregularities have been reported from different Revenue Circle Offices of the district, which indicate large scale nexus and deep rooted conspiracy amongst the middlemen as well as public servants. A list of 95 suspected offenders/land brokers/miscreants involved in the Kamrup district is also enclosed with the aforesaid complaint.

4. Mr. Konwar, learned Senior counsel for the applicant submits that till date the applicant has not been called by the I.O. for interrogation and therefore, she has not appeared before the I.O. and that she is the bonafide purchaser of the plot of land and in respect of the same, one civil suit, being Title Suit No.505/2023, pending before the Court of learned Civil Judge Senior Division No.1, Kamrup(M) at Guwahati and that she is ready to cooperate with the investigating agency and therefore, a contention is being made that

the interim order dated 18.01.2024, may be made absolute, in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, submits that he has received the case diary and except the statement of co-accused, namely, Pradip Kumar Das, there is no material against the present applicant.

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. In view of the materials collected so in the case diary and also in view of the submission of learned Advocates of both sides, custodial interrogation of the applicant seems to be not warranted here in this case and therefore, this Court is inclined to make the interim order dated 18.01.2024, 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