

GAHC010064452024



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

Case No. : AB/811/2024

RUBUL DAS
S/O SRI MANORANJAN DAS, R/O VILL- ABHOYPUR, P.O.-COLLEGE
NAGAR, P.S.-CHANGSARI, DIST- KAMRUP, ASSAM

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

22.04.2024

Heard Mr. R. Sarma, learned counsel for the applicant 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 applicant, namely, Rubul Das, for grant of pre-arrest bail.

3. 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 one Anima Sarkar has prepared one false power of attorney on 19.11.2019 and sold the land belonging to the informant.

4. Mr. Sarma, learned counsel for the applicant submits that this Court vide order dated 01.04.2024 was pleased to extend the privilege of interim pre-arrest bail to the applicant and pursuant to the said order, the applicant had appeared before the I.O. and cooperating with the investigating agency and therefore, a contention is being made that the interim order dated 01.04.2024, 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 confirmed appearance of the applicant before the I.O. Ms. Das further submits that investigation of the case has almost been completed.

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. It appears that the applicant has been cooperating with the investigating agency and he appeared before the I.O. and his statement is also recorded and further it appears that material part of the investigation is almost over. That being so, 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 01.04.2024, 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