

AB 92/2013

BEFORE

HON'BLE MR. JUSTICE C.R. SARMA

Heard Mr. Y.S. Mannan, learned counsel, appearing for the petitioner and Mr. BB Gogoi, learned Additional Public prosecutor, Assam, appearing for the State respondent.

Perused the case diary.

By this application, filed under Section 438 Cr. P.C., the petitioner namely, Md. Ali Hussain tapadar, who is one of the beneficiaries of the award, dated 10.03.1964, has prayed for pre-arrest bail, in connection with CID P.S. Case No. 98/2012, under Sections 120B/ 420/ 468/ 471 IPC.

From the record, it appears that the Compensation Officer, Karimganj granted award in respect of estate in favour of some persons, including the petitioner. Due to non release of the said award, the petitioner approached this Court by filing a writ petition and this Court directed the respondent authorities to cause an enquiry for doing the needful. Subsequently a contempt petition was filed at the instance of the petitioner. During pendency of the said contempt petition, enquiry was held and the Chef Executive Officer, Cachar Zilla Parishad, Silchar, who was the Compensation Officer, at the relevant time, denied to have signed the said award. She submitted a report to the present Compensation Officer, Karimganj, stating & &..I have strong doubts of some malafide happenings the issue by the office or by the interested persons & & On receipt of the said report, the Deputy Secretary to the Govt. of Assam, Revenue Department lodged the FIR with the police.

The learned counsel for the petitioner has submitted that the petitioner is no way involved with the forgery of award and that his name has not been mentioned in the FIR.

Having heard the learned counsel for both the parties, considering the evidence collected by the Investigating Officer, I do not find it to be a fit case to extend the benefit of pre-arrest bail in favour of the petitioner. Hence, prayer for pre-arrest bail is rejected.

Return the case diary.

Bail application is dismissed.

The interim order dated 10.01.2013 is recalled.