

AB 2548/2013  
BEFORE  
THE HON'BLE MR. JUSTICE C.R.SARMA

Heard Mr. A.K. Bhattacharyya, learned Senior Counsel assisted by Mr. A. K. Choudhury, learned counsel for the petitioner. Also heard Mr. H. Sarma, learned Addl. Public Prosecutor, Assam.

Perused the case diary.

By this application, filed under Section 438 Cr.P.C., the petitioner, namely, Diganta Chetia, has prayed for pre-arrest bail in connection with Tinsukia Police Station Case No. 220/ 13, registered under Sections 448/ 450 IPC.

The allegation made against the petitioner is that the petitioner trespassed into the land of the informant and managed to obtain some false documents in his favour in respect of the land, belonging to the informant.

Learned Senior Counsel, referring to the injunction order passed, in Miscellaneous (J) Case No. 9 of 2010, dated 11.06.2010, by the learned Civil Judge, Tinsukia, has submitted that a civil suit is pending before the parties regarding the said plot land and that the petitioner has been occupying the said land.

Having heard the learned counsel, appearing for both the parties and perusing the materials available on record, I do not find necessity for custodial interrogation of the petitioner.

Accordingly, interim order dated 04.06.2013 is made absolute, subject to the condition that the petitioner shall appear before the IO within a period of 10 days from this date and on such other dates as may so required for the purpose of investigation.

Return the case diary.

The bail application stands disposed of.