

GAHC010085342022



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

**Case No. : AB/1228/2022**

TAFIQUL HUSSAIN  
S/O LT. ANOWAR HUSSAIN  
R/O HOUSE NO. 2,  
ROUCHAN COMPLEX, NEAR AUTO STAND, B.K.KAKATI ROAD,  
ULUBARI, P.S. PALTAN BAZAR,  
DIST. KAMRUP (M), ASSAM, GHY-7.

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. A T SARKAR**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE  
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**31.05.2022**

Heard Mr. A. T. Sarkar, learned counsel for the applicant. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor for the State respondent.

This application, under Section 438 of the Code of Criminal Procedure, is preferred by accused, namely, Tafiqul Hussain, who has been apprehending arrest in connection with **Paltan Bazar P.S. Case No. 206/2022, under Section 4468/420 /406 of the Indian Penal Code**, for grant of pre-arrest bail.

Mr. A. T. Sarkar, learned counsel for the applicant, submits that pursuant to order of this Court, dated 10.05.2022, the applicant appeared before the I.O. and his statement has been recorded and that his custodial interrogation may not be required and therefore, it is contended to allow the petition.

On the other hand, Mr. K. K. Parasuram, learned Additional Public Prosecutor, producing the Case Diary before this Court, submits that the applicant has already appeared before the I.O. and his statement has already been recorded and that the dispute relates to partition of paternal properties amongst brothers and sisters, which is purely of civil in nature and that custodial interrogation of the applicant is necessary in the interest of investigation.

Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also the Case Diary, produced before this Court, with the assistance of learned Additional Public Prosecutor.

It appears that Paltan Bazar P.S. Case No. 206/2022, under Section

4468/420/406 of the Indian Penal Code, has been registered on the basis of one F.I.R., lodged by one Smti Parbeez Begum and Feroza Begum on 18.04.2022, wherein allegations are made against the applicant in respect of fraudulently obtaining of signatures for acquiring paternal properties.

The dispute, *ex facie* appears to be civil in nature, and in view of the materials collected so far in the Case Diary as well as the progress of investigation, custodial interrogation of the applicant seems to be unwarranted here in this case. Accordingly, this Court is inclined to make the interim order, dated 10.05.2022, absolute in the same terms and conditions.

In terms of above, this anticipatory bail application stands disposed of.

The Case Diary be sent back.

**JUDGE**

**Comparing Assistant**