

GAHC010129402022



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

Case No. : AB/1844/2022

SWAPAN KUMAR DAS AND 2 ORS

S/O- LATE NARAYAN DAS, R/O- HOUSE NO. 35, RAMKRISHNA PATH, SANI
MANDIR GOLL, FATASIL AMBARI, P.S. FATASIL AMBARI, P.S. FATASIL
AMBARI, GUWAHATI-18, DIST. KAMRUP(M), ASSAM

2: SHIV SANKAR DAS

S/O- LATE NARAYAN DAS
R/O- HOUSE NO. 35
RAMKRISHNA PATH
SANI MANDIR GOLL
FATASIL AMBARI
P.S. FATASIL AMBARI
P.S. FATASIL AMBARI
GUWAHATI-18
DIST. KAMRUP(M)
ASSAM

3: SREEKUMAR DAS

S/O- SWAPAN KUMAR DAS
R/O- HOUSE NO. 35
RAMKRISHNA PATH
SANI MANDIR GOLL
FATASIL AMBARI
P.S. FATASIL AMBARI
P.S. FATASIL AMBARI
GUWAHATI-18
DIST. KAMRUP(M)
ASSA

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE P.P., ASSAM

2:TAPAN KR. DAS
S/O- LATE NARAYAN CH. DAS
R/O- JONEPUR DISHAREE COMPLEX PALLADAHHA
P.O. KATAGANJ
P.S. BIZPUR
PIN- 741250
DIST. NORTH 24 PARGANA
WEST BENGAL

Advocate for the Petitioner : MR. P K ROYCHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 28-02-2023

- 1.** Heard Mr. A. Lal, learned counsel for the petitioners namely, [1] Sri Swapan Kumar Das [2] Sri Shiv Sankar Das and [3] Shri Sreekumar Das.
- 2.** By this application under Section 438, Code of Criminal Procedure, 1973 [CrPC], the petitioner has approached this Court seeking the benefit of pre-arrest bail, apprehending his arrest, in connection with Fatashil Ambari Police Station Case dated 30.05.2022
- 3.** Heard Mr. B.B. Gogoi, learned Addl. P.P. for State of Assam.
- 4.** The petitioners are embroiled in a civil dispute with the informant. There are several ongoing litigations between both the sides. Thereafter the informant lodged the FIR with the police with allegations that the petitioners have forged his signature in some documents stating that the informant had no objection in construction of a building over the disputed land.
- 5.** I have perused the CD and I have considered the submissions at the Bar. This is indeed a case arising out of a civil dispute between three brothers. The petitioners have also appeared before the IO and their statements are recorded.

6. Considering all aspects an in view of my foregoing discussions, the interim order dated 30.06.2022 is hereby made absolute under the conditions that –

- i. the petitioners will refrain from such activities with which they are alleged; and
- ii. the petitioners will maintain peace and not exercise threats to witnesses.

Send back the CD.

JUDGE

Comparing Assistant