

GAHC010028362026



2026:GAU-AS:2888

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

Case No. : AB/333/2026

SRI NITUL CHANDRA DAS
SON OF LATE FATIK DAS
R/O BANNIBARI, P.O. BANNIBARI.P.S. MUKALMUA
DIST. NALBARI, ASSAM, PIN-781126.

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. P K ROYCHOUDHURY, S AHMED

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

25.02.2026

Heard Mr. P.K. Roychoudhury, learned counsel for the applicant and Mr. K.K. Das, learned Addl. P.P. for the State respondent.

2. This application, under Section 482 of the BNSS, is preferred by applicant, namely Nitul Chandra Das, for grant of pre-arrest bail, who has been apprehending arrest in connection with Hatigaon PS Case No. 254/2024, registered under Sections 120(B)/406/420/468 of the IPC.

3. It is to be noted here that said case has been registered on the basis of one F.I.R., lodged by one Ameet Borah, on 26.09.2024. The essence of allegations made in the F.I.R. is that one Nekib Ali had executed a sale deed, vide Sl. No. 24190, Deed No. 20786, dated 07.12.2021, in the office of the Senior Sub-Registrar, Kamrup (M) at Guwhati, without the knowledge of the informant and his father and on account of his father's illness he had executed a sale deed, being Sl. No. 861, Deed No. 868, dated 07.01.2023, along with an irrevocable general power of attorney, vide Deed No. 212, Sl. No. 862, dated 07.01.2023 and he did not pay a single penny to him and thereafter, he came to know that he had executed a sale deed on 07.12.2021, before execution of the agreement for sale and power of attorney and applied for mutation for the schedule plot of land vide mutation application reference No. RTPS/MUTD/2023/905851/2023-02-27, before the office of the Circle Officer, Dispur.

4. Mr. Roychoudhury, learned counsel for the applicant submits that this is the second anticipatory bail application preferred by the applicant and the first one was dismissed by this Court, vide order dated 28.01.2025. He also submits that co-accused have already been granted pre-arrest bail by this Court. He also submits that earlier bail application was rejected on the ground that investigation was going on and some important documents have not been seized. He also submits that the applicant has been dismissed from service and as such there is no scope of tampering witnesses or hampering investigation and that he has received notice from the I.O. and that he is ready to cooperate with the investigation, and therefore, it is contended to extend protection to him as on appearance before the I.O. he may be arrested and may be put behind the bar.

5. On the other hand, Mr. Das, learned Addl. P.P. has produced the case diary

before this Court and he submits that investigation is still going on and some of the registers such as T.I. Book and Fee Book of the office of the Senior Sub-Registrar, Kamrup(M), which the applicant has kept with some other reliable person, are yet to be recovered and that the applicant has been evading police arrest and that sufficient incriminating materials are collected against him during investigation and therefore, it is contended to dismiss the petition.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the case diary produced before this court with the assistance of Mr. Das, learned Additional Public Prosecutor.

7. Perusal of the case diary reveals that the investigation is still going on though the case was registered in the year 2024. Seeing the pace of investigation it cannot be said that the case is being investigated in right earnest. However, the materials collected till that in the case diary reveals complicity of the applicant with the offence alleged in the FIR. The applicant was serving at the relevant time of occurrence in the Office of the Senior Sub-Registrar when the forged sale deed was executed. Some of the registers, such as T.I. Book and Fee Book of the office of Senior Sub-Registrar, are yet to be recovered. Furthermore, the offences, as alleged in the FIR, appear to be serious in nature. At this stage, it cannot be said that custodial interrogation of the applicant, in the interest of investigation, is not required.

8. Though Mr. Roychoudhury submits that the applicant is already dismissed from service and as such there is no possibility of tampering evidence and hampering the investigation and that the applicant is ready to co-operate with the investigation, yet, this is not the sole criteria of granting pre-arrest bail. The other criteria for grant of pre-arrest bail, which the Courts have to evaluate are :

(i) nature and gravity of the accusation; (ii) applicant's antecedents, including prior imprisonment; (iii) chance of fleeing justice; (iv) risk of repeating the offence; and (v) if accusation seems mala-fide to humiliate.

9. In the instant case having considered the nature and gravity of the accusation; applicant's antecedents, and the chance of fleeing from justice and evading arrest and also in view of the materials collected against him in the case diary, this Court is of the view that this is not a fit case where the privilege of pre-arrest bail can be extended to the applicant.

10. Accordingly, the petition stands dismissed. The applicant is directed to surrender before the I.O. forthwith.

11. The case diary be returned.

JUDGE

Comparing Assistant