

GAHC010246172025



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

Case No. : AB/2638/2025

SRI LAKHYADHAR DAS AND ANR
S/O- LT. HARI CHARAN DASR/O- PATHARQUARY, NEAR L.P. SCHOOL,
HOUSE NO.68, GUWAHATI-171, P.O.-UDAYAN VIHAR, P.S.- NOONMATI,
DISTRICT-KAMRUP (M), ASSAM

2: SMTI. CHAYANIKA DAS
W/O SRI LAKHYADHAR DAS
R/O PATHARQUARY
NEAR L.P. SCHOOL
HOUSE NO. 68
GUWAHATI-171
P.O. UDAYAN VIHAR
P.S. NOONMATI
DIST. KAMRUP (M)
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR M A ISLAM, MS L DAS, MR J I MONDAL

Advocate for the Respondent : PP, ASSAM,

B E F O R E
HON'BLE MR. JUSTICE SANJEEV KUMAR SHARMA
ORDER

14.11.2025

Heard Mr. M A Islam, learned counsel for the petitioner. Also heard Ms. N Das, learned Additional Public Prosecutor.

2. This is an application under 482 of the BNSS, 2023 praying for granting pre-arrest bail to the petitioners, namely; (i) Sri Lakhyadhar Das, and (ii) Smti. Chayanika Das, in apprehension of arrest in connection with an FIR lodged before the Noonmati P.S by Dilip Kr. Deka.

3. At the outset, it is submitted that there is no allegation against the petitioner No. 2 in the FIR that was filed subsequent to filing of the instant bail application. Accordingly, the name of Smti. Chayanika Das, petitioner No. 2 is to be struck out from the instant pre-arrest bail application, preferred under Section 482 of the BNSS. It is accordingly struck off. Subsequent to filing of the instant pre-arrest bail application, the FIR was lodged on 07.11.2025 by the informant Dilip Kr. Deka, on the basis of which Noonmati P.S Case No. 158/25 under Section 316(2)/318(4)/351(2)/3(5) BNS, 2023 was registered.

4. As per the allegation made in the FIR, there was an agreement for sale of land between the informant and the petitioner pursuant to which an amount of Rs. 53 lakhs was paid by the informant, out of the total consideration amount of Rs. 55 lakhs to the petitioner but the petitioner refused to execute the sale deed and the informant came to know from reliable sources that the petitioner had taken his money from different persons for sale of the aforesaid plot of

land. It is also alleged that the petitioner had threatened to kill the informant.

It is submitted by the petitioner that the dispute is purely civil in nature and the amount of Rs. 6.5 lakhs has been received by him as advance sale price in respect of the plot of land. It is submitted that the agreement was that an amount of Rs. 10 lakhs was payable in advance. Pending receipt of the remaining amount the petitioner was not required to execute the sale deed. It is further submitted that due to such non-payment, the amount column of the agreement for sale was kept blank, which has been annexed as Annexure-I to the instant petition.

5. Call for the CD.

6. Having regard to the aforesaid submissions, it is provided that the petitioner No.1 in the event of arrest, in connection with the aforesaid case shall be released on interim pre-arrest bail of Rs. 50,000/- only with one surety of the like amount, subject to the satisfaction of the arresting authority. It is further provided that the petitioners shall co-operate with the investigation and shall not try to intimidate the witnesses.

7. List the matter again on 12.12.2025.

JUDGE

Comparing Assistant