

GAHC040008952023



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

Case No. : AB/37/2023

Subham Aggarwal
S/o Late A.K Aggarwal,
A Permanent Resident of Attara Village, PO/PS Attara, District Banda, PO/PS Attara,
District Banda, Uttar Pradesh. Presently r/o Naharlagun, PO/PS-Naharlagun
Contact No. 8974566036

VERSUS

THE STATE OF AP
Represented by PP (AP)

Advocate for the Petitioner : Teto Taba

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 17.07.2023

Heard Mr. T. Taba, learned counsel for the petitioner. This application is under Section 438 Cr.P.C with a prayer for pre-arrest bail of **Shri Subham Aggarwal** in connection with Naharlagun P.S. Case No. 92/2023 under Sections 120B/419/420/468/471 IPC, 1860.

2. Heard Ms. T. Jini, learned Additional Public Prosecutor for the State of Arunachal Pradesh.

3. I have considered the submissions at the bar with circumspection. It is submitted on behalf of the petitioner that the petitioner was coerced to execute an agreement of Rs.15,000,00/- (Rupees Fifteen lakhs) only by the police in connivance with the informant. Thereafter, the petitioner lodged the FIR on 08.06.2023 before the Director General of Police (DGP) and The Superintendent of Police (SP), Itanagar against the police officer and the complainant. The complainant lodged this FIR against the petitioner as a counter blast with false allegations of having being duped by the petitioner to dole out an amount of Rs.15,000,00/- (Rupees Fifteen lakhs) only to the petitioner who has promised to repay her Rs.10,00,00,000/- (Rupees ten crores) only after he receives his pension. It is also submitted that the petitioner appeared before the I.O continuously for 5 days, but the I.O has not recorded his statement. It is not that the petitioner has violated any bail conditions. It is also submitted that the I.O has defied the guidelines of the ***Hon'ble Supreme Court laid down in the case of Arnesh Kumar vs. State of Bihar &Anr.,*** reported in (2014) 8 SCC 273 and no notice under Section 41A has been issued to the petitioner.

4. Ms. T. Jini, learned Additional Public Prosecutor for the State has raised a serious objection stating that there are incriminating materials in the Case Diary against the petitioner. The petitioner has also falsely claimed before the informant that he is an Army Officer and he has mentioned the names of several politicians and the prominent leaders who are closely acquainted with him. Ms. T. Jini, learned Additional Public Prosecutor has also submitted that all the

forged documents have been attached along with the status report in the Case Diary.

5. I have also perused the Case Diary and there are indeed incriminating materials against the petitioner. It appears that the investigation may be adversely affected, if the petitioner is granted pre-arrest bail at this stage of investigation.

6. Considering all aspects and in view of the foregoing discussions, petition with prayer for bail is rejected at this stage.

Send back the Case Diary.

JUDGE

Comparing Assistant