

GAHC040010462023



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

Case No. : AB/46/2023

Dari Raju
S/o Dari Takia,
Resident of C Sector, Itanagar, PO/PS Itanagar, District Papum Pare, AP
Phone No. 8974712093

VERSUS

THE STATE OF AP and Anr.
To be represented through the Public Prosecutor.

2:Pankaj Kumar Age: 0 Occupation : Director Ministry of Food Processing Industries
Panchsheel Bhawan August Kranti Marg New Delhi 11004

Advocate for the Petitioner : Khoda Tari

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE NANI TAGIA

ORDER

Date : 14-08-2023

Heard Mr. K. Tari, learned counsel for the applicant and Mr. T. Ete, learned Additional Public Prosecutor for the State of Arunachal Pradesh.

2. This is an application under Section 438 of the Cr.P.C., 1973, for granting pre-arrest bail to the accused applicant, namely, Shri Dari Raju, who apprehends arrest

in connection with Doimukh P.S. Case No. 40/2023, registered under Sections 468/471/420/120B/34 IPC.

3. The aforesaid, Doimukh P.S. Case No. 40/2023, was registered on 22.07.2023, on the basis of a request to lodge an F.I.R. against the applicant, written to the Superintendent of Police, Papum Pare District, by one Pankaj Kumar, Director (CEFPPC), alleging the applicant, who is the promoter of M/s D Raju Enterprise (ST Category) at Emchi, Doimukh of availing the grants-in-aid for their project under the Scheme for Creation/Expansion of Food Processing & Preservation Capacities (CEFPPC) of the Ministry of Food Processing Industries by submitting fake bank documents.

4. Pursuant to the order of this Court, dated 08.08.2023, Mr. Ete, learned Additional Public Prosecutor has produced the Case Diary.

5. Mr. Ete, learned Additional Public Prosecutor, on the basis of the Case Diary, submits that a notice under Section 41 A of the Cr.P.C. was issued to the applicant on 31.07.2023, pursuant to which, the applicant appeared before the Investigating Officer on 08.08.2023, on which date, statement of the applicant in connection with the aforesaid Doimukh P.S. Case No. 40/2023 has been recorded.

6. Considering the nature of allegations made against the applicant in the F.I.R. as well as on perusal of the Case Diary produced by the learned Additional Public Prosecutor and also taking into account of the fact that the applicant had appeared before the Investigating Officer, on 08.08.2023, pursuant to a notice issued to him under Section 41 A of the Cr.P.C. and Statement of the petitioner in connection with Doimukh P.S. Case No. 40/2023, has been recorded on that day, I am of the view that the applicant be granted the privilege of pre-arrest bail in connection with Doimukh P.S. Case No. 40/2023, registered under Sections 468/471/420/120B/34 IPC.

7. Accordingly, in the event the applicant is arrested in connection with Doimukh P.S. Case No. 40/2023, registered under Sections 468/471/420/120B/34 IPC, he shall be released on bail, on furnishing a bail bond of Rs. 50,000/-, with 2 (two) sureties of like amount to the satisfaction of the arresting authority, on the following terms and conditions:

(i). The applicant shall fully co-operate with the investigation of the case and shall appear before the Investigating Officer as and when called for in connection with the Doimukh P.S. Case No. 40/2023.

(ii). Till the statutory period for completion of the investigation of the case registered, the applicant shall not leave the jurisdiction of Doimukh Circle and Itanagar, Capital Region without prior permission of the Investigating Officer; and

(iii). The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts either to the Police officer or to the Court or tamper with the evidence;

8. The Anticipatory Bail application stands allowed and disposed of, in terms above.

JUDGE

Comparing Assistant