

GAHC010004012023



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

Case No. : AB/72/2023

ANIRBAN MITRA@SONU
S/O- LATE SURAJIT MITRA, R/O- RADHA NAGAR, CHACHAL, P.S- DISPUR,
DIST- KAMRUP(M), ASSAM, PIN- 786022

VERSUS

THE STATE OF ASSAM
REP.BY THE PP, ASSAM

Advocate for the Petitioner : MR. K C ROY

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

Date : 20-01-2023

Heard Mr. K. C. Roy, learned counsel for the applicant. Also heard Ms. N. Das, learned Additional Public Prosecutor for the State respondent and Mr. N. Mahajan, learned counsel for the respondent No.2.

Case Diary not received.

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973, for grant of pre-arrest bail to the accused/applicant, who are apprehending arrest in connection with Dispur Police Station Case No.2683/2022, registered under Sections 341/354(B)/325/506 of the Indian Penal Code.

Mr. K. C. Roy, learned counsel for the applicant has submitted that there was some misunderstanding between the parties to which unintentionally some altercation took place and both the informant and the accused/applicant sustained minor injuries. But, at present the parties have settled their matter amicably and they have also entered into a Deed of Compromise. Further the applicants is ready to co-operate with the investigation of this case, if he is granted the privilege of pre-arrest bail.

In this context, Ms. N. Das, learned Additional Public Prosecutor, has submitted that as per records the signature of both the parties were seen in the agreement, accordingly it seems that the informant is no longer willing to

proceed with this case. Further, the informant has no objection if the present accused/applicant is granted the privilege of pre-arrest bail.

The learned counsel, Mr. N. Mahajan, appeared on behalf of the respondent No.2/informant and filed additional affidavit supported with the Compromise Deed, where both the parties put their signatures in presence of witnesses. Further, it is submitted by the learned counsel for the respondent No.2/informant that in view of compromise between the parties, he is not interested to proceed with the case and has raise no objection if the applicant granted with pre-arrest bail.

Considering the submissions of learned counsels of both sides and also considering the other facts and circumstances of this case, I find it a fit case to grant the privilege of pre-arrest bail to the accused/applicant, and also with a direction to the applicant to appear before the IO to furnish a copy of Deed of Agreement.

Accordingly, it is provided that in the event of arrest of the accused/applicants, namely, Sri Anirban Mitra @ Sonu, in connection with Dispur Police Station Case No.2683/2022, registered under Sections 341/354(B)/325/506 of the Indian Penal Code, he shall be enlarged on pre-arrest bail on his executing a bond of Rs. 20,000/- (Rupees twenty thousand) each with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:

- (i) that the applicants shall make himself available for interrogation by the Investigating Officer as and when call for;

(ii) that the applicants 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 to the Court or to any police officer; and

(iii) that the applicant shall not leave the jurisdiction of the concerned jurisdictional Magistrate, without prior permission.

In terms of above, this Anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant