

GAHC010010952023



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

Case No. : AB/157/2023

PRANTOSH GOGOI
S/O PRAFULLA GOGOI,
R/O NIZ CHABUA GOAN,
P.S.- CHABUA,
DIST.- DIBRUGARH, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM.

Advocate for the Petitioner : MR S RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 21-04-2023

1. Heard Mr. S Rahman, learned counsel for the petitioner. Also heard Mr. RR Kaushik, learned Additional Public Prosecutor appearing for the State of Assam.
2. This petition has been filed by the petitioner namely, **Mr. Prantosh Gogoi**, seeking anticipatory bail as he is apprehending arrest in connection with

Tinsukia Police Station Case No. 1058/2022 corresponding to G.R. Case No. 902/2022 under Sections 120(B)/193/198/406/420/468/471 of the IPC.

3. An FIR dated 29.10.2022 was lodged by the informant, one John Sona, Deputy Commissioner of State Tax, Tinsukia alleging that the petitioner, who is the Proprietor of one M/s Kanaklata Enterprise has generated false invoices and has used these documents to export to Dubai and thereby has cheated the Taxing authority and also Government Exchequer. Accordingly, the petitioner has caused a loss of revenue to the Government Exchequer in crores.

4. The case diary was called for and the learned Additional Public Prosecutor has produced the same before this Court today.

5. The case diary has been carefully perused and the learned counsels for the parties have also been heard.

6. This Court is of the view that the allegations made against the petitioner pertains to documents stated to have been forged by the petitioner in respect of his business transactions. The State Tax authority has already ceased of the matter and proceeding under the GST Act has also been initiated.

7. Under this circumstances, this Court is of the view that custodial interrogation is not necessary in respect of the petitioner. Therefore, in the event of the petitioner's arrest in connection with the aforementioned case, he be released on a bail bond of Rs.20,000/- (Rupees twenty thousand) only with a local surety of like amount to the satisfaction of the Arresting Authority. The bail granted however, is subjected to the following conditions:-

- (i) That the petitioner shall appear before the Investigating Officer within 7(seven) days from today and co-operate in the investigation as and when required;

- (ii) The petitioner shall deposit his Passport before the Investigating Officer till completion of investigation.
- (iii) The petitioner shall not leave the territorial jurisdiction of the police station, without prior written permission from Officer-in-Charge, Tinsukia Police Station.
- (iv) That the petitioner shall not hamper or tamper with the investigation in any manner; and
- (v) That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person/witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer in connection to this Police Station Case.

8. If any of the conditions are found to be violated then the Investigating Officer shall be at liberty to seek cancellation of the bail granted to the petitioner.

9. Anticipatory bail petition is accordingly disposed of. Return the Case Diary.

JUDGE

Comparing Assistant