

GAHC010011612023



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

Case No. : AB/192/2023

AJIT RONGSON
S/O LATE GAJEN RONGSON
R/O VILL- NALAPARA
P.O. SAOKUCHI
P.S. BASISTHA, GUWAHATI
DIST. KAMRUP (M), ASSAM
MOBILE NO. 7637945611

VERSUS

THE STATE OF ASSAM
REP. BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR D K DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 25-01-2023

Heard Mr. N. K. Kalita, learned counsel for the petitioner and Mr. K. K. Parasar, learned Addl. PP for the State of Assam.

Apprehending arrest, this application under Section 438 Cr.P.C. has been preferred by the petitioner, namely, ***Sri Ajit Rongson*** for grant of pre-arrest bail in connection with the un-registered FIR, dated 05.12.2022 before the Officer-in-Charge, Basistha Police Station and GDE was made vide GDE No.256/2022.

In that regard, the learned Addl. PP Mr. Parasar was asked to submit a report as to whether any case has been registered on the basis of the said GDE. Accordingly, the learned Addl. PP submits that no case has registered till date. However, GDE No.256/2022 has been made on the basis of the FIR, dated 05.12.2022, which was lodged before the Officer-in-Charge Basistha Police Station.

It is submitted by the learned counsel for the petitioner that one registered agreement was executed between the present petitioner and the informant i.e. Arpan Kra and accordingly, the amount was fixed @ Rs.60,00,000/- as the consideration value. Accordingly, the purchaser has paid an amount of Rs.30,00,000/- as an advance amount through cheque. But, the allegation brought against the petitioner is that the cheque amount was only 3,00,000/- which has been converted to 30,00,000/- by making forgery on the cheque which was issued to the present petitioner.

It is also submitted by the learned counsel for the petitioner that the informant issued a Cheque of Rs.30,00,000/- as an advance and the Cheque was subsequently dishonoured by the Bank and the learned counsel for the petitioner is going to lodge a complaint under the NIA Act.

In the meantime, the Basistha Police is searching for the petitioner and there is every possibility of being arrested on the basis of the GDE No. 256/2022, though, no case has been registered by the Basistha Police Station.

Considering the entire aspect as well as the nature and gravity of the case, this Court finds that this is a fit case where the privilege of pre-arrest bail can be extended to the petitioner only in connection with FIR, dated 05.12.2022 and the GDE No.256/2022. Accordingly, in the event of the arrest of the petitioner, namely, **Ajit Rongson** in connection with FIR, dated 05.12.2022 and the GDE No.256/2022 before the Basistha Police Station, he shall be released on pre-arrest bail on furnishing a bail bond of Rs.20,000/- with a suitable surety of the like amount to the satisfaction of the arresting authority.

The above privilege is, however, subject to the following conditions:-

- (1) The applicant shall appear before the I.O. of the case as and when called/summoned for the investigation;
- (2) The applicant shall not tamper with the evidence of the prosecution witnesses or the investigating agency;
and
- (3) The applicant shall not indulge in the commission of the offence which is alleged against him and any violation of the aforesaid conditions shall automatically lead to cancellation of the bail.

In view of the above, this anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant