

GAHC010018472023



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

Case No. : AB/262/2023

PRIYANKA DAS
W/O HEMANTA KUMAR DAS
R/O UTTAR AMOLAPATTY, DIBRUGARH, P.O. AND P.S. DIBRUGARH, PIN-
786008

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR P SHARMAH

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

17-05-2023

Heard Mr. P. Sharmah, learned counsel for the petitioner and Mr. M.P.Goswami, learned Additional Public Prosecutor, Assam for the State.

By this application filed under Section 438 Cr.P.C., the petitioner, namely, **Priyanka Das**,

apprehending her arrest, is seeking pre-arrest bail in Chandmari Police Station Case No. 12/2023 registered under Sections 406/420 IPC corresponding to G.R. Case No. 339/2023.

The informant of the case on 12.01.2023 lodged a written ejahar before the Chandmari Police Station stating that he allowed his friend, i.e., the petitioner and her husband Hemanta Kumar Das to live in his flat at Rajgarh that he had taken on rent, where he has also kept his Hyundai vehicle bearing registration No. AS-01-DY-4596 entrusting it to the petitioner. But when he returned to his house on 04.01.2023, he could not find his said Hyundai vehicle and though he wanted to know from his friend, i.e., the petitioner about his said vehicle, he could not trace her as her mobile phone was switched off. As such, on 12.01.2023, he lodged the said FIR praying for recovery of his said vehicle. On the basis of the same, Chandmari Police Station Case No. 12/2023 was registered under Sections 406/420 IPC corresponding to G.R. Case No. 339/2023.

By order dated 01.02.2023, the Court granted interim bail to the petitioner in said Chandmari P.S. Case No. 12/2023, pursuant to which, she appeared before the concerned Investigating Officer of Chandmari P.S. on 15.02.2023.

Perused the relevant case diary placed before the Court today by Mr. Goswami, learned Additional Public Prosecutor, Assam.

Case diary reveals that the vehicle of the informant involved in the case has already been recovered on 17.01.2023 from the possession of another friend of the petitioner and it was handed over to the informant on 19.01.2023.

Considering the materials available in the case diary, the Court is of the view that custodial detention of the petitioner, named above, is not warranted to investigate the said Chandmari P.S. Case No. 12/2023. As such, this pre-arrest bail application of the petitioner is accepted.

The petitioner, namely, **Priyanka Das**, is already on interim bail in said Chandmari P.S. Case No. 12/2023 granted earlier by the Court on 01.02.2023, which is hereby made absolute on the terms and conditions that the said petitioner shall **(i)** appear before the concerned Investigating Officer of said Chandmari P.S. Case No. 12/2023 as and when she is required for necessary investigation of the case; **(ii)** not leave the territorial jurisdiction of Chandmari Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case or the Officer-in-Charge of said Police Station, **(iii)** not hamper with the investigation or tamper with the evidence of the case and **(iv)** 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 or her from disclosing such facts to the Court or to any police officer, failing which, the pre-arrest bail granted to her in the aforesaid Chandmari P.S. Case No. 12/2023 shall stand automatically vacated.

With the aforesaid direction, this pre-arrest bail application accordingly stands allowed to the extent above.

Return the case diary.

JUDGE

Comparing Assistant