

GAHC010043702023



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

Case No. : AB/671/2023

RANJIT DAS
S/O- LT. BAKUL CHANDRA DAS, R/O- VILL- NORTH AMULAPATTY, P.O.
MOHANAGHAT, P.S. DIBRUGARH, DIST.- DIBRUGARH, ASSAM, M.NO.
7637945611

VERSUS

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

Advocate for the Petitioner : MR D K DAS

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 22-03-2023

Heard Mr. D. K. Das, learned counsel for the applicant. Also heard Ms. N. Das, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, for grant of pre-arrest bail to the accused/applicant, who is apprehending arrest in connection with Dibrugarh P.S. Case No. 33/2023, under Section 406/420/506 of the Indian Penal Code.

Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the applicant, Mr. D. K. Das that the dispute between the accused/applicant and the informant arose regarding ownership of the M/S Baba wine shop and also submitted that both are siblings. The accused/applicant asked for Rs.7,00,000/-(Rupees Seven lakhs) only for to quit the partnership. In this regard, the informant provided a check to the accused/applicant, but, check was dishonored. Further, the accused/applicant requested the informant/sister to make the payment but the informant instead of making payment misbehave with him in front of others. Thus, the accused/applicant sends a legal notice to her. Meanwhile, the informant lodged a complaint before the Dibrugarh Police on 13.12.2022, and after enquiry the police found that the check was issued by the informant, and hence, case was not registered against the accused/applicant. And, again she filed complaint

case before the learned Chief Judicial Magistrate, Dibrugarh stating some false facts and same was forwarded to the Dibrugarh Police Station with a direction to register the case, and accordingly on 18.01.2023, Dibrugarh P.S. case No.33/2023, under Sections 406/420/506 of the IPC was registered against him. The accused/applicant came to know about this only on 15.02.2023, wherein, he was called on by the investigating officer.

Meanwhile the accused/applicant on 20.01.2023, filed a complaint case being CR(N.I.Act) Case No.09/2023 against the informant under Section 138 of the NI Act and is pending for disposal. Further, it is submitted that there is a probability of settlement between the parties and they are brother and sister in relation. In the same time, the accused/applicant also appeared before the IO and recorded his statement in connection with this case. Further, the applicant prays for making the interim bail as absolute and if the same is made absolute, there is no chance of absconding or hampering or tempering of this case.

In this context, Ms. Das, learned Additional Public Prosecutor has submitted that the accused/applicant had appeared before the IO and his statement has already been recorded. It is also seen that the petitioner is co-operating with the IO in the investigation of this case, and accordingly raised no objections in the prayer made by the applicant.

After hearing the submissions of learned counsels for both sides and also considering the materials available in the Case Diary, as well as considering the fact that the accused/applicant has appeared before the IO and co-operated with the investigation of this case, I find it appropriate to extend the privilege of

interim pre-arrest bail to the applicant, namely Ranjit Das. Thus, the order passed by this Court dated 01.03.2023, in connection with Dibrugarh P.S. Case No. 33/2023, under Section 406/420/506 of the Indian Penal Code is hereby made absolute.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant