

GAHC010046352023



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

Case No. : AB/712/2023

SUNIT HAZARIKA @ SUMIT AND ANR.
S/O BIMAL HAZARIKA
R/O DHING CHARIALI
P.O. AND P.S. DHING
PIN-782123
DIST. NAGAON, ASSAM

2: SMTI. TRISHNA HAZARIKA
W/O SHRI SUNIT HAZARIKA
R/O DHING CHARIALI
P.O. AND P.S. DHING
PIN-782123
DIST. NAGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B CHETRI
Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

23/06/2023

Heard Mr. B Chetri, learned counsel for the petitioners and Mr. P S Lahkar, learned Additional Public Prosecutor, Assam for the State.

The petitioners, namely, **(1) Shri Sunit Hazarika @ Sumit** and **(2) Smti. Trishna Hazarika**, have filed this application under Section 438 Cr.P.C. seeking pre-arrest bail apprehending their arrest in **Nagaon P.S. Case No. 195/2023** registered under Sections 120(B)/420 IPC corresponding to G.R. No. 904/2023.

Perused the case diary placed before the Court today by Mr. P S Lahkar, learned Additional Public Prosecutor, Assam.

By order dated 01.03.2023, the Court granted interim bail to both the petitioners in said Nagaon P.S. Case No. 195/2023 pursuant to which they appeared before the concerned Investigating Officer of the case and their statements have also been recorded.

As per the FIR of the case relating to supply of electrical articles, like Digital Generator, lights, electric fan etc. to the CRPF Camp located at Dhing Paper Mill, Nagaon in April, 2020, a work order was processed for claiming the bills and the Additional Superintendent of Police (Headquarter), Nagaon by the written FIR dated 23.02.2023 stated that he did not issue any such work order during the period when he was posted as the Deputy Superintendent of Police (Headquarter), Nagaon alleging that the signature on the work order was taken deceitfully and fraudulently by one Senior Assistant of Superintendent of Police (Headquarter), Nagaon.

Accordingly, said FIR was registered as Nagaon P.S. Case No. 195/2023 under Sections 120(B)/420 IPC.

Case diary reveals that in fact the Superintendent of Police (Headquarter), Nagaon and the Officer-in-Charge of Dhing Police Station verbally ordered the petitioner No. 1 proprietor of M/s. P.D. Tent & Decorator, Dhing to provide a DG set, four electrical fans, Halogen and lid lights to the CRPF Camp at Dhing Paper Mill, Nagaon and accordingly, those goods were supplied by the petitioner No. 1. Though, bills were processed but in absence of the work order, due amount cannot be paid to the petitioner No. 1.

The concerned Investigating Officer of the case have already submitted a detail enquiry report and also clarified that only to get the due amount for supply of goods to the CRPF Camp at Dhing Paper Mill, Nagaon under Dhing Police Station, one of the Office Assistant in the Office of the Nagaon Police Station managed to obtain such work order to facilitate the petitioners to get their bills.

Considering the materials available in the case dairy, the Court is of the view that custodial

interrogation of the petitioners, named above, is not warranted to investigate the said Nagaon P.S. Case No. 195/2023. As such, this pre-arrest bail application of the petitioners in said Nagaon P.S. Case is accepted.

The petitioners, namely, **(1) Shri Sunit Hazarika @ Sumit** and **(2) Smti. Trishna Hazarika** are already on interim bail in said **Nagaon P.S. Case No. 195/2023** granted to them earlier by this Court on 01.03.2023 and the same is hereby made absolute on the terms and conditions that the petitioners shall - **(i)** appear before the concerned Investigating Officer of said Nagaon P.S. Case No. 195/2023 as and when they are required for necessary investigation of the case; **(ii)** not leave the territorial jurisdiction of said Nagaon Police Station, without obtaining prior written permission from the concerned I/O of the case; **(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 them from disclosing such facts to the Court or to any police officer.

Any violation of any of the aforesaid terms and conditions by the petitioner, named above, pre-arrest bail granted to him in said Nagaon P.S. Case No. 195/2023 shall stand automatically vacated.

Return the case diary.

Accordingly, this pre-arrest bail application stands allowed to the extent above.

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JUDGE

Comparing Assistant