

GAHC010063022023



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

Case No. : AB/1082/2023

MERISOON RISHI
S/OLT. JAGOMOHAN RISHI
R/OVILL- RISHIPARA TURA
P.S. TURA
DIST. WEST GARO HILLS, MEGHALAYA,
PIN-794001

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. L R MAZUMDER

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 28-03-2023

Heard Mr. L.R. Mozumdar, learned counsel for the petitioner.
Also heard Ms. N. Das, learned Additional Public Prosecutor for the State of Assam.

Apprehending arrest under section 438 Cr.P.C., the petitioner namely, Merisoan Rishi, is seeking pre-arrest bail in connection with Dispur P.S. Case No.410/2023, under sections 420/468/471 of IPC.

Case diary received. Perused the same.

It is submitted by the learned counsel for the petitioner that it is the fact that after loss of some of the medical documents for his mother-in-law, he collected some documents with the help of others, where the amount was enhanced but that apart, he has not committed any other offence as alleged in the F.I.R. nor he has submitted any fake bill and he has already appeared before the I.O and his statement is also been recorded by the I.O. At present he is suffering from cancer and he was taken for treatment to Dr. B. Borooah Cancer Hospital as well as Tata Memorial Cancer Hospital. However, inspite of illness, he is ready to co-operate with the I.O. in further investigation of the case, if he is granted the privilege of pre-arrest bail by considering, his health conditions and also considering the fact that all the necessary documents already collected by the I.O.

In this context, the learned APP has raised serious objection and submitted that there is sufficient incriminating materials in the case diary against the petitioner and the I.O has also collected sufficient documents which reveals that all the medical documents which was furnished before the Hayat Hospital found to be fake and the I.O has also raised bail objection and stated that it is also suspected that the petitioner is not only involved in the present case rather there is every probability that he may be involved in other similar cases also. Accordingly, it is submitted that custodial interrogation of the accused petitioner is necessary for the just and proper investigation of the case.

In this context learned counsel for the petitioner has submitted that considering

the health status of the petitioner as he is a cancer patient his matter may considered with mercy.

Considering the submission of learned counsel for both sides and also considering the fact that the petitioner is a cancer patient, I find it proper to grant the privilege of pre-arrest bail to the petitioner with a direction to the I.O to verify all the documents related with regard to present health status of the petitioner to ascertain that whether he is cancer patient or not.

Accordingly, in the event of arrest of the accused/petitioner, namely, Merisoan Rishi in connection with Dillai P.S. Case No.17/2023, under sections Dispur P.S. Case No.410/2023, under sections 420/468/471 of IPC shall be enlarged on interim pre-arrest bail on executing a bail bond of Rs. 20,000/- (Rupees twenty thousand) only with one suitable surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:

The interim bail is granted on the following conditions:

1. That the petitioner shall make himself available to the police or any other investigating agency within 7 days from the date of the order;
2. that the petitioner shall 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 from disclosing such facts to Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe, influence, or intimidate the prosecution witness;
3. that the petitioner shall not misuse his liberty in any manner.

Anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant