

GAHC010068662023



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

Case No. : I.A.(CrI.)/252/2023

NAVIN @ NABIN BAISHNAB,
S/O DURGA PRASAD SWAMI
R/O VILL- JOGIGHOPA
NEAR ASSAM OIL, ALAM RESIDENCY, KABAITARY,
JOGIGHOPA
P.S. JOGIGHOPA
DIST. BONGAIGAON, ASSAM

VERSUS

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

Advocate for the Petitioner : MR. M I HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 27-03-2023

Heard Mr. M.I Hussain, learned counsel for the applicant and also heard Mr. D. Das learned Additional Public Prosecutor for the State of Assam.

By this interlocutory application, the applicant prayed for correction of the order

dated 23.03.2023 wherein interim protection was granted to all the petitioners but due to typographical error the name of present applicant was left out.

It is submitted by the learned counsel for the petitioner that vide order dated 23.03.2023 all the petitioners named in the AB No. 1075/2023 were granted the privilege of interim pre-arrest bail till receipt of the case diary but name of the present applicant "*Navin @ Nabin Baishnab*" was left out and accordingly, learned counsel for the applicant prayed for modifying the same order dated 23.03.2023 by incorporating the name of the present applicant namely *Navin @ Nabin Baishnab*.

Considering the submission made by the learned counsel for the applicant as well as the learned APP and also going by the order dated 23.03.2023, it reveals that the order for interim pre-arrest bail was granted to all the petitioners as there is no separate discussion regarding the rejection of the prayer of the petitioner No.4. *Navin @ Nabin Baishnab*. Accordingly, it can be considered that due to typographical mistake name of present applicant (accused petitioner No. 4 in AB No. 1075 of 2023) was left out. Accordingly, the order dated 23.03.2023 is hereby corrected and modified and will read now as under :_

"Heard Mr. H.R.A. Choudhury, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioners namely, 1. Saddam Hussain, 2. Ismail Hussain, 3. Hasan @ Fakrul Hasan Khan & 4. Navin @ Nabin Baishnab who are apprehending arrest in connection with Jogighopa P.S. Case No. 96/2023, registered under Sections

120(B)/420/468/471/34 of the Indian Penal Code.

The learned counsel for the petitioners submits that the accused/petitioners are innocent and no way connected with the alleged offence and their names have been falsely implicated here in this case. They are businessman dealing with the business of clothes in Bongaigaon town. The petitioners are ready to appear before the I.O. and shall co-operate in the further investigation of the case if is granted with the privilege of interim pre-arrest bail.

In this context, the learned Additional Public Prosecutor, Mr. P. Borthakur, has submitted that the name of the present accused/petitioners find mentioned in the F.I.R. and as per the allegation made in the F.I.R., they were submitting fake GST Challan and hence, their custodial interrogation may be necessary in this case and accordingly, raised objection in granting pre-arrest bail to the accused/petitioner. Having heard the submissions of learned counsels of both sides, it is provided that the Case Diary be called for fixing 21.04.2023.

Further, considering the submissions of learned counsels for both sides and also considering the materials placed on record, I find it a fit case to extend the privilege of interim pre-arrest bail to the accused/petitioner till receipt of the Case Diary. Accordingly, it is provided that in the event of arrest of the above named accused/petitioners, in connection with Jogighopa P.S. Case No. 96/2023, registered under Sections 120(B)/420/468/471/34 of the Indian Penal Code, shall be enlarged on interim pre-arrest bail on executing a bond of Rs. 20,000/- (Rupees twenty thousand) each only with one surety of like amount each to the satisfaction of the arresting authority, subject to the following conditions:

(i)that the petitioners shall appear before the Investigating

Officer of the case within a period of 1 (one) week from today;
(ii) that the petitioners shall fully co-operate with the investigation of the case and shall appear before the Investigating Officer as and when required in connection with the investigation of the aforesaid P.S. Case; and

(iii) that the petitioners 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 the Court or to any police officer.

Call for the case diary

List the matter on 03.04.2023`.

With the observation maid above interlocutory applications stands disposed of.

JUDGE

Comparing Assistant