

GAHC010089702023



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

Case No. : AB/1517/2023

ABHIMANYU DAS
S/O KAMAL DAS
R/O NEAR CHAPAUDANG PRIMARY
SCHOOL, BONDA, NARENGI,
GUWAHATI-781026
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE MALASRI NANDI
ORDER

22.05.2023

Heard Mr S Rahman, learned counsel appearing for the petitioner and Mr K K Parashar, learned Additional Public Prosecutor for the State of Assam.

2. By this application filed under Section 438 CrPC, the petitioner, Shri Abhimanyu Das, has sought for pre-arrest bail, apprehending his arrest in connection with Basistha

PS Case No. 190 of 2021, registered under Sections 406/420 IPC.

3. Learned counsel for the petitioner has submitted that a false allegation has been made against the petitioner in the FIR. The date of the incident has not been mentioned by the informant in the FIR, in support of the allegation that has been made against the petitioner.

4. It is submitted that there is no question of taking of the truck from the possession of the informant, for repairing of the said vehicle.

5. On the other hand learned Additional Public Prosecutor has fairly submitted that after filing of the FIR on 29.01.2021, only the statement of the informant was recorded on the same day. Thereafter, investigation has not properly progressed and the vehicle is still not recovered. Under such backdrop, the learned Additional Public Prosecutor submits that he has no objection if the privilege of pre-arrest bail is extended to the petitioner.

6. I have heard the submissions made by the learned counsel for both the parties. I have also perused the Case Diary as well as the documents annexed with the record.

7. In view of the facts and circumstances of the case and having regard to the submissions made by the learned counsel for both the parties, this Court is of the opinion that it is a fit case where the privilege of pre-arrest bail can be extended to the petitioner, Shri Abhimanyu Das Accordingly, it is provided that in the event of arrest in connection with Basistha PS Case No. 190 of 2021, the petitioner, namely, Shri Abhimanyu Das, shall be released on pre-arrest bail on executing a bond of Rs. 20,000/- (Rupees Twenty Thousand), with one surety of like amount to the satisfaction of the arresting authority. The above privilege is, however, subject to the following conditions:

(i) the petitioner is directed to appear before the Investigating Officer within a period of 10 (ten) days from today.

(ii) that the petitioner shall make himself available for interrogation by the Investigating

Officer as and when required;

(iii) 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 the Court or to any police officer.

(iv) the petitioner shall not leave the jurisdiction of the Court, without prior permission of the Court. In case of violation of any of the above conditions by the petitioner, the learned Public Prosecutor is at liberty to move before this Court for cancellation of bail.

8. With the aforesaid observations and directions this Anticipatory Bail Application stands disposed of.

9. Send back the Case Diary.

JUDGE

Comparing Assistant