

GAHC010111882023



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

Case No. : AB/2076/2023

KARNAHARI ADHIKARI @ KARNA ADHIKARI
S/O LATE SUN MOHAN ADHIKARI
R/O UTTAR BHOMORAGURI
P.S. RUPAHIHAT
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

22-06-2023

Heard Mr. S. Munir, learned counsel for the petitioner and Mr. B. Sarma, learned Additional Public Prosecutor, Assam for the State.

By this application filed under Section 438 Cr.P.C., the petitioner, namely, **Karnahari Adhikari @ Karna Adhikari**, apprehending his arrest, is seeking pre-arrest bail in Rupahihat Police Station Case No. 240/2023 corresponding to G.R. Case No. 308/2023 registered under Sections 120(B)/420/384/465/468/469 IPC.

As per the FIR of the case dated 16.05.2023, the petitioner herein is the petition writer at Rupahihat Police Station. It is the allegation against him that he cheated innocent victims and others who visited the Police Station for justice and redressal of their grievances assuring that their cases will be considered at the earliest, extorting money from such victims.

Accordingly, Rupahihat P.S. Case No. 240/2023 was registered under Sections 120(B)/420/384/465/468/469 IPC.

Mr. Sarma learned Additional Public Prosecutor, Assam from the case diary submits that the statements of the witnesses so far as recorded did not implicate the petitioner intimating that they have neither seen him nor heard about any such illegal work done by him.

Considering the above and the materials available in the case dairy, the Court is of the view that custodial interrogation of the petitioner, named above, is not warranted to investigate said Rupahihat P.S. Case No. 240/2023. As such, this pre-arrest bail application of the petitioner is accepted.

Accordingly, in the event of arrest of the petitioner, namely, **Karnahari Adhikari @ Karna Adhikari** in said Rupahihat P.S. Case No. 240/2023, he shall be released on bail on furnishing a bail bond of Rs.50,000/- with 2 (two) local sureties of the like amount to the satisfaction of the arresting authority, subject to the conditions that the petitioner shall- (i) appear before the concerned Investigating Officer of said Rupahihat P.S. Case No. 240/2023 **on or before 28.06.2023** and thereafter, as and when he is required for necessary investigation of the case; (ii) not leave the territorial jurisdiction of said Rupahihat Police Station, without obtaining prior written permission from the concerned Investigating Officer 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 to the victims or anyone of their family members or promise to any person acquainted with the facts of the case so as to dissuade her/him from disclosing such facts to the Court or to any police officer and not indulge in any such criminal activities.

Any violation of any of the aforesaid terms and conditions by the petitioner, named above, the interim pre-arrest bail granted to him in said Rupahihat P.S. Case No. 240/2023 shall stand automatically vacated.

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

Return the case diary

JUDGE

Comparing Assistant