

GAHC010129612023



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

Case No. : AB/2138/2023

PULIN BARMAN
S/O LT. UMA KANTA BARMAN
R/O HOUSE NO. 31, SENDURI ALI
NABIN NAGAR,
TRIBENI PATH,
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. S G BARUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

28.06.2023

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

By this application under Section 438 CrPC, the petitioner, namely, **Pulin Barman**, has prayed for his pre arrest bail in Chandmari P.S. Case No. 211/2023 corresponding to G.R. Case

No. 3969/2023 registered under Sections 406/500/506/354(B)/34 IPC.

As per the FIR of the case lodged by the complainant, when she went to the house in which her son was a tenant, the landlord along with one Kritartha Kalita circulated various items against her son in the social media and further, the petitioner, landlord of the house misbehaved with her and also physically toughed her, stating that he will forget the rent proposing her for one hour.

Accordingly, Chandmari P.S. Case No. 211/2023 corresponding to G.R. Case No. 3969/2023 was registered against the petitioner under Sections 406/500/506/354(B)/34 IPC.

From the Case Diary, Mr. P S Lahkar, learned APP, Assam has submitted that the son of the complainant was a tenant who left the house without paying the rent and that in the investigation so far made; the petitioner has not been implicated regarding his involvement in the alleged crime.

Case Diary also reveals that after obtaining interim bail in said Chandmari P.S. Case No. 211/2023 on 16.06.2023, the petitioner appeared before the concerned I.O. of the case.

Considering the above, on perusal of the Case Diary, the Court is of the view that custodial detention of the petitioner, named above, is not warranted for investigation of said Chandmari P.S. Case No. 211/2023. Accordingly, this pre arrest bail application of the petitioner is accepted.

The petitioner namely, **Pulin Barman**, is already on interim bail in said Chandmari P.S. Case No. 211/2023 granted to him earlier on 16.06.2023 and the same is hereby made absolute on the terms and conditions that the petitioner shall - **(i)** appear before the Investigating Officer of Chandmari P.S. Case No. 211/2023, as and when he is required for necessary investigation of said Chandmari P.S. Case; **(ii)** not leave the territorial jurisdiction of the Chandmari 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 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, failing which, the bail granted to him in the aforesaid Chandmari P.S. Case No. 211/2023 shall stand automatically vacated.

It is clarified that the petitioner, namely, **Pulin Barman**, shall not indulge in any type of criminal activities/any other criminal offence in future and any violation of the terms and conditions as specified in the order dated 16.06.2023 as well as herein above, pre-arrest bail

granted to the petitioner in said Chandmari P.S. Case No. 211/2023 shall automatically stand vacated.

Return the case diary herewith.

This bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant