

GAHC010143712023



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

**Case No. : AB/2331/2023**

DHARMENDRA KUMAR YADAV @ DHARMENDRA  
S/O SURESH YADAV  
R/O VILL- NEW CHECKON I, EAST MANIPUR, P.S. POROMPAT, DIST.  
IMPHAL MANIPUR-795004.

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR T KALITA**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE  
HONOURABLE MRS. JUSTICE MITALI THAKURIA  
ORDER**

**Date : 30-06-2023**

Heard Mr. T. Kalita, learned counsel for the applicant. Also heard Ms. A. Begum, 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/petitioner, who has been apprehending arrest in connection with Borpathar Police Station Case No. 19/2023, registered under Section 120(B)/379/411 of the Indian Penal Code *read with* Section 53(i)(a)/63 of the Assam Excise Act, 2000, arising out of FIR lodged by one Sub Inspector Sri Aswini Konch on 31.03.2023.

It is submitted by the learned counsel for the applicant, Mr. T. Kalita, that the present accused/applicant was released on bail, vide order dated 29.04.2023, passed by the learned Sessions Judge, Karbi Anglong, Diphu by directing him to appear before the I.O. within 7 days and make himself available before the I.O. in every month for the subsequent 3 months. However, on 30.04.2023, the subsequent day of passing of the order dated 29.04.2023, the Charge-Sheet No.19/2023 dated 30.04.2023 was filed against the 6 Nos. of accused along with the present applicant.

He also submitted that the accused/applicant was about to appear before the I.O. as per the direction of the learned Trial Court, but he could not appear before the same due to the filing of the Charge-Sheet on the very next day after

passing the bail order. Further, he is ready to co-operate with the IO with the investigation of the case and prayed for a direction to the IO not to take coercive action against him.

In this context, the learned Additional Public Prosecutor, Ms. A. Begum, has submitted that the custodial interrogation of the accused/applicant may be necessary here in this case and raised objection in allowing the applicant to go on pre-arrest bail.

After hearing the submissions made by the learned counsels of both sides and also perusing the case records as well as considering the order passed by the learned Trial Court, I find it a fit case to grant the privilege of pre-arrest bail to the accused/petitioner with a direction to appear before the Investigating Officer within 7(seven) days, and the I.O. is hereby asked not to take any coercive action against the accused/applicant during his appearance.

Accordingly, in the event of the arrest of the petitioner, namely, ***Shri Dharmendra Kumar Yadav @ Dharmendra*** in connection with Borpathar Police Station Case No. 19/2023, registered under Section 120(B)/379/411 of the Indian Penal Code *read with* Section 53(i)(a)/63 of the Assam Excise Act, 2000, he shall be released on pre-arrest bail on furnishing a bail bond of Rs.20,000/- with a suitable surety of the like amount to the satisfaction of the arresting authority.

The above privilege is, however, subject to the following conditions:-

- (1) The applicant shall appear before the I.O. of the case within 7(Seven) days from today;

- (2) The applicant shall not tamper with the evidence of the prosecution witnesses or the investigating agency; and
- (3) The applicant shall not indulge in the commission of the offence which is alleged against him and any violation of the aforesaid conditions shall automatically lead to cancellation of the bail.
- (4) I.O. is further directed to report the matter before the learned Trial Court after completion of the investigation/interrogation in respect of the present accused/applicant.

In terms of above, this anticipatory bail application stands disposed of.

**JUDGE**

**Comparing Assistant**