

GAHC010145302023



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

Case No. : AB/2591/2023

NEERAJ KUMAR KHEMKA
S/O BANWARILAL KHEMKA
R/O BARTHAKUR MILL ROAD
ULUBARI, GUWAHATI-9,
P.S. BHANGAGARH, DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R CHETRI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

18.09.2023

Heard Mr. R. Chetri, learned counsel for the applicant and Ms. N. Das, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Bhangagarh P.S. Case No. 31/2022**, under Sections 420/406 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant, namely, **Neeraj**

Kumar Khemka for grant of pre-arrest bail.

3. It is to be noted here that aforementioned case has been registered on the basis of one F.I.R., lodged by one Sahib Jain, on 25.01.2022. The essence of allegations made in the FIR is that the applicant had fraudulently obtained some ornaments of Gold, of several lacs of Rs. from the informant, but, he failed to make the payment of the said amount on different pretext and subsequently he had absconded.

4. Mr. Chetri, learned counsel for the applicant submits that the applicant had issued cheque in respect of the said amount and subsequently, the same returned dishonored and the informant has lodged the present FIR. Mr. Chetri further submits that he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Ms. Das, learned Additional Public Prosecutor, has produced the case diary before this court and submits that the material part of the investigation is almost over and the IO has examined several witnesses.

6. Having heard the submissions of learned Advocates of both sides, I have carefully perused the petition as well as the documents placed on the record and also perused the case diary with the assistance of learned Addl. P.P.

7. It appears that the material part of investigation is almost over and therefore, custodial interrogation of the applicant seems to be unwarranted, in the interest of investigation.

8. Accordingly, it is provided that in the event of arrest of the applicant, in connection with **Bhangagarh P.S. Case No. 31/2022**, under Sections 420/406 of the IPC, he shall be enlarged on pre-arrest bail on executing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the arresting authority.

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

(i) that the applicant shall make himself available for interrogation by the Investigating Officer as and when required;

(ii) that the applicant 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; and

(iii) that the applicant shall not leave the jurisdiction of the learned **CJM, Kamrup [M] at Guwahati**, without prior permission.

10. In terms of above, this AB stands disposed of.

11. The case diary be returned.

JUDGE

Comparing Assistant