

GAHC010158332023



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

Case No. : AB/2507/2023

RAMEN GOSWAMI AND 2 ORS
S/O DIMBESWAR GOSWAMI
R/O JALUKOTA
P.O. MERMUKEH
P.S. NARAYANPUR
DIST. LAKHIMPUR, ASSAM
PIN-784164
PH. NO. 9706498937

2: NIHAR JYOTI GOSWAMI
S/O DIMBESWAR GOSWAMI
R/O JALUKOTA
P.O. MERMUKEH
P.S. NARAYANPUR
DIST. LAKHIMPUR
ASSAM
PIN-784164
PH. NO. 9706498937

3: BIPUL DAS
S/O LATE BABIL DAS
R/O SENSUWA
P.O. MERMUKEH
P.S. NARAYANPUR
DIST. LAKHIMPUR
ASSAM
PIN-784164
PH. NO. 970649893

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. P P SUT

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 24.07.2023

Heard Mr. K. Thakur, learned counsel for the petitioners and also heard Ms. S. H. Bora, learned Additional Public Prosecutor, Assam for the State.

This application under Section 438, Cr.P.C., is preferred by the petitioners namely, (1) Ramen Goswami, (2) Nihar Jyoti Goswami, and (3) Bipul Das, who are apprehending their arrest, in connection with Narayanpur P. S. Case no. 58/2023, registered under Sections 384/392/420/379 of the IPC.

The accusation in this case is that on 04.07.2023, one Kailash Dahal lodged an FIR before the Officer-in-charge of Narayanpur Police Station, *inter-alia*, alleging that on 25.06.2023 at about 9.00 pm when the first informant was proceeding towards Bhugpur in his Eco Van bearing registration no. AS-07 Q-9011 one Sri Mridul Bhuyan demanded money from the first informant, and on failure to pay the money by the first informant Sri Mridul Bhuyan snatched away the said ECO Van from the first informant.

On receipt of the said FIR, Narayanpur P. S. Case no. 58/2023 was registered.

Learned counsel for the petitioners submits that the present petitioners are not named in the FIR and they are in no way connected in the offence alleged in the FIR. However, as they know the named accused and are acquaintance of the named accused, police is searching for the present

petitioners suspecting their involvement in the alleged offence.

It is also stated that the present petitioners are permanent resident of Mermukh, under Narayanpur Police Station and they shall co-operate with the Investigating Officer of the Narayanpur P. S. Case no. 58/2023

I have heard the learned Additional Public Prosecutor representing the State.

Considering the fact that the present petitioners are not named in the FIR and the FIR has specifically mention the name of one Mridul Bhuyan, who is alleged to have committed the offence and also considering the submissions made by the learned counsel for the petitioner, the present petitioners namely, (1) Ramen Goswami, (2) Nihar Jyoti Goswami, and (3) Bipul Das are directed to appear before the Investigating Officer of Narayanpur P. S. Case no. 58/2023 within a period of ten days from the date of this order, and shall co-operate with the Investigating Officer of the said case.

If they do so within the stipulated period of time, in the event of his arrest in connection with Narayanpur P. S. Case no. 58/2023, the petitioners, namely, (1) Ramen Goswami, (2) Nihar Jyoti Goswami, and (3) Bipul Das shall be allowed to go on bail on furnishing of bail bond of Rs. 30,000/- (Rupees Thirty Thousand only) each with one surety of like amount to the satisfaction of the arresting authority with the condition that :

1. That the petitioners shall co-operate with the Investigating Officer of the said case.
2. That the petitioners 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 or her from disclosing such facts to the Investigating Officer of this case.

With the above observations, the anticipatory bail application is disposed of.

JUDGE

Comparing Assistant