

GAHC010186952022



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

Case No. : AB/2706/2022

MONIKHA CHETRI
W/O RAKESH CHETRI
R/O VILL- DIGARU
P.O. DIGARU
P.S. SONAPUR
DIST. KAMRUP (M), ASSAM,
PIN-782402

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. J KALITA

Advocate for the Respondent : PP, ASSAM

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

Date : 16-02-2023

Heard Mr. J. Kalita, learned counsel for the applicant. Also heard Mr. P. Borthakur, learned Public Prosecutor representing the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, prayer for grant of privilege of pre-arrest bail to the accused/applicant, who is apprehending arrest in connection with Sonapur P.S. Case No. 115/2022, registered under Section 406/420 of the Indian Penal Code.

Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the applicant, Mr. J. Kalita, that the applicant had collected a huge sum of money from her locality to invest in the un-named business of the informant and instead of returning back the amount the informant has lodged the FIR against the accused/applicant and only with a intention to harass the accused/applicant. The accused/applicant had filed three different cases against the informant or dishonor of three cheque amounting to Rs. 90 lakhs in total. It is also submitted that the applicant had already appeared before the IO after receiving notice under Section 41 Cr.P.C. and gave her statement which was recorded under Section 161 Cr.P.C. Further, the applicant prays for making the interim bail as absolute. Further, it is submitted that there is no chance of absconding or hampering or tempering of this case.

In this context, Mr. P. Borthakur, learned Public Prosecutor has submitted

that as per the order of pre-arrest bail dated 14.09.2022, the accused/applicant had appeared before the IO on 07.09.2022 & 10.09.2022 respectively and her statement has already been recorded under Section 161 of the Cr.P.C and accordingly she has submitted all the documents of three complaint cases that she filed against the informant. It is also seen that the applicant is co-operating with the IO in the investigation of this case, and accordingly raised no objections in the prayer made by the applicant.

Mr. P. Borthakur, learned Public Prosecutor has also submitted that both the applicant and the informant accepted that they collected money from various persons. But the Statement of the victims could not be recorded by the IO till date.

After hearing the submissions of the learned counsels for both sides and also considering the materials available in the Case Diary, as well as considering the fact that the accused/applicant has appeared before the IO and co-operated with the investigation of this case, I find it appropriate to extend the privilege of pre-arrest bail to the applicant, namely Monikha Chetri. Thus, the order of interim pre-arrest bail passed by this Court dated 14.09.2022, in connection with Sonapur P.S. Case No. 115/2022, under Section 406/420 of the Indian Penal Code is hereby made absolute.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant