

GAHC010192312023



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

Case No. : AB/2980/2023

DEEJIT PAUL
S/O MONTOSH PAUL R/O WARD NO. 5 LOWER BABU PATTY P.O. /P.S.
LUMDING DIST. HOJAI PIN 782447

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MS. T SOM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

15.09.2023

Heard Ms. T. Som, learned counsel for the applicant and Mr. K.K. Parasar, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Lumding P.S. Case No. 164/2023**, under Sections 120[b]/389/420/468/506 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant, namely, **Deepjit Paul** for grant of pre-arrest bail.

3. The said case has been registered on the basis of one F.I.R., lodged

by one Sankalp Karwa, on 15.08.2023. The essence of allegations made in the FIR is that the applicant and his father for last 1 year have collected E-Mail ID of some of his customers and thereafter, lodged online complaint against him, which affected his business and on 09.08.2023, police conducted search in the house of the applicant and recovered several documents, data depicting the credentials of TVS along with documents of his customers in his house and these documents were forged documents, created by the applicant and his father and thereby caused harm to his business.

4. Ms. Som, learned counsel for the applicant submits that the applicant is innocent and no way involved with the offence alleged in the FIR and that the applicant and the father has a business establishment in the name of M/s MP Traders [Auto Mobiles] and there was business rivalry between the informant and the applicant and out of their business rivalry the informant falsely lodged this complaint. Ms. Som further submits that the applicant has two children and both are suffering from severe Autism and Hyperactivity Disorder and they needs constant care of the applicant. Ms. Som also 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, Mr. Parasar, learned Additional Public Prosecutor, by producing the case diary before this Court, submits that the IO has collected sufficient materials in support of the allegation made in the FIR and therefore, Mr. Parasar contended to dismiss the petition.

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 IO has achieved substantial progress in the investigation and in view of the materials collected so far in the case diary 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 **Lumding P.S. Case No. 164/2023**, under Sections 120[b]/389/420/468/506 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, Hojai**, without prior permission.

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

11. The case diary be returned.

JUDGE

Comparing Assistant