

GAHC010192442023



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

Case No. : AB/3009/2023

RAHUL DIBRAGEDE
S/O BIPUL DIBRAGEDE
R/O BORDOLONG
P.S. LANKA
SUB-DIVISION- LANKA
DIST. HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. J GHOSH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

18.09.2023

Heard Mr. J.U. Laskar, learned counsel for the applicant and Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Haflong P.S. Case No. 37/2023**, under Sections 120[B]/420/406 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant, namely, **Rahul Dibragede** for grant of pre-arrest bail.

3. The said case has been registered on the basis of one F.I.R., lodged by one Sajal Saha, on 06.05.2023. The essence of allegations made in the FIR is that the applicant has hired his vehicle, model – Mahindra Marazzo, bearing registration No. AS-02-AA-7906, from Haflong to Guwahati and on the way one Rahul Dibragede accompanied by Nipen Bodo and Sanatai has forcefully taken away the key from the driver and since then the vehicle he not been returned to him.

4. Mr. Laskar, learned counsel for the applicant submits that the applicant is innocent and no way involved with the offence alleged in the FIR and 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. Das, learned Additional Public Prosecutor by producing the case diary before this Court, has opposed the petition, on the ground that there are sufficient materials in the case diary, to show the complicity of the applicant, with the offence alleged in the FIR. Mr. Das further submits that the IO has achieved substantial progress in the investigation and vehicle has already been recovered and handed over to the informant and that the persons involved with the offence have already been arrested and also enlarged on bail.

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. The case diary reveals that :-

[i] Material part of investigation is almost over.

[ii] The vehicle has already been recovered and seized and released in the custody of the registered owner.

[iii] Co-accused have already been arrested and also released by the learned court below.

In view of above, custodial interrogation of the applicant seems to be not warranted herein this case.

8. Accordingly, it is provided that in the event of arrest of the applicant, in connection with **Haflong P.S. Case No. 37/2023**, under Sections 120[B]/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, Dima Hasao, without prior permission.

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

11. The case diary be returned.

JUDGE

Comparing Assistant