

GAHC010209852023



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

Case No. : AB/3221/2023

NITUL DEKA
S/O - AJIT DEKA RESIDENT OF WARD NO 06 POLICE STATION
-SARTHEBARI DISTRICT - BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P ASSAM

Advocate for the Petitioner : MR D SARMA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 28.09.2023

Heard Mr. D. Sarma, learned counsel for the petitioner. Also heard Mr. K.K. Das, learned Additional Public Prosecutor for the State.

This is an application filed under **Section 438 Cr.P.C.**, praying for pre-arrest bail by the petitioner, namely, **Nitul Deka**, in connection with

Mukalmua P.S. Case No. 398/2022, registered under Section **507/387/34 of IPC.**

It is submitted by the learned counsel for the petitioner that one Kaushik Bhuyan has demanded money from the informant. It is further submitted that the petitioner is a journalist and he had made a news of involvement of the brother of the informant. It is also submitted that the informant falsely implicated the petitioner by lodging the instant case. The learned counsel for the petitioner has also submitted that nothing incriminating materials found against the petitioner. Under such backdrop and considering the nature of offence, the benefit of pre-arrest bail may be extended to the petitioner.

On the other hand, Mr. K.K. Das, learned Additional Public Prosecutor for the State has opposed in granting the privilege of pre-arrest bail to the petitioner. It is submitted that there is an allegation against the petitioner that he has demanded money from the informant. It is also submitted that the informant as well as the other witnesses has stated that the petitioner had demanded money through mobile phone. Therefore, the prayer of the petitioner may not be considered at this stage.

I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

It reveals that on instruction of the petitioner, one Kaushik Bhuyan had demanded money from the informant.

Considering the materials available in the case diary as well as the statements of the witnesses, this Court finds that custodial interrogation of the petitioner is not required, therefore, he is granted the privilege of pre-

arrest bail.

Accordingly, it is provided that in the event of arrest of the petitioner, named above, in connection with **Mukalmua P.S. Case No. 398/2022**, registered under Section **507/387/34 of IPC**, he shall be released on furnishing bail bond of **Rs.20,000/-** with **a suitable surety** of the like amount, to the satisfaction of the arresting authority.

The direction for pre-arrest bail is subject to the conditions that the petitioner:

(a) shall appear before the Investigating Police Officer within ten days from today and shall co-operate with the investigation;

(b) 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.

(c) shall not commit such offence as alleged in the FIR in future.

The anticipatory bail application stands disposed of accordingly.

Return the case diary.

JUDGE

Comparing Assistant