

GAHC010210822023



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

Case No. : AB/3227/2023

PANKAJ GOGOI
S/O DULAN GOGOI R/O- JAMUGURI KONWARI PATHAR P.O - KONWARI
GAON PS - NAHARKATIA DISTRICT - DIBRUGARH , ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE LD. PUBLIC PROSECUTOR , ASSAM

Advocate for the Petitioner : MR. S BORTHAKUR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

17.10.2023

Heard Ms. P. Bora, learned counsel for the applicant and also heard Mr. D. Das, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Naharkatia P.S. Case No. 50/2023, under Sections 406/419/420/468/34 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, Pankaj Gogoi for grant of pre-arrest bail.
3. The said case has been registered on the basis of one F.I.R., lodged by one Pranab Jyoti Lekharu, on 13.06.2023. The essence of allegations made in the FIR is that one Hemanta Deogharia and Rakesh Gogoi have prepared false Pan Card and Driving License in the name of Ambika Chutia; Dimbeswar Chutia; Padmeswar Hazarika; Dambaru Hazarika; Muluk Das; and Mukheswar Konch and except

Dibeswar Chutia, the rest of the persons already suffered demise and they have taken a loan of Rs. 3,00,000/- from Bajaj Finserv Limited and purchased some electronics items from Rainbow and Rain Electronics of Dibrugarh on 12.02.2022; 22.11.2022; and 17.03.2023 and later on, failed to make payment of the loan amount and defrauded the aforesaid company.

4. Ms. P. Bora, learned counsel for the applicant submits that this Court was pleased to extend the privilege of interim previous bail vide order dated 21.09.2023 and pursuant to the said order, the applicant had appeared before the Investigation Officer and he has been cooperating with the Investigating Agents and, thereafter, the Investigating Officer have completed the investigation and submitted charge sheet, being Charge-Sheet No. 65 dated 31.08.2023, before the learned Court below and upon the said charge-sheet, the learned Court below has taken cognizance of offence under Sections 406/419/420/468 IPC, read with Section 34 IPC and issued process to the applicant fixing the matter on 26.09.2023.

3. Mr. D. Das, learned Additional Public Prosecutor, Assam has produced the case diary before this Court and submits that the Investigating Officer has submitted charge-sheet here in this case.

4. But, Ms. Bora, learned counsel for the applicant further submits that the present applicant has not been chargesheeted by the Investigation Officer.

5. Having gone through the case diary and also certified copy of the charge-sheet, it appears that the Investigating Officer has made reference to the present applicant also in the charge-sheet and stated that the present applicant along with one Rakesh Gogoi are also involved in the offence and several attempts have been made to arrest them, but, they have found concealing themselves and absconding till date.

6. In view of above, this Court is inclined to dispose of this application by directing the applicant to appear before the learned Court below on 31.10.2023, and to apply for regular bail and in the event of filing such application the learned Court below shall consider the same in accordance with law.

7. Till then, the interim order dated 21.09.2023, shall continue.

8. In terms of the above, the present anticipatory bail application is disposed of.

JUDGE

Comparing Assistant