

GAHC010224382023



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

Case No. : Bail Appln./3559/2023

GOUTAM TALUKDAR AND ANR
S/O NARAYAN TALUKDAR
R/O JAPORIGOG, KRISHNA NAGAR
BIKRAMPUR PATH,
P.S. DISPUR, DIST. KAMRUP (M), ASSAM

2: BIKI THAPA
S/O LATE RAJU THAPA
R/O PANJABARI
SATGAON
P.S. SATGAON
GUWAHATI
DIST. KAMRUP (M)
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. G PHUKAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

16.10.2023

Heard Mr. S. Biswas, learned counsel for the applicant and also heard Mr. P.

Borthakur, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under Section 438 Cr.P.C. is preferred by the applicant, namely, Thutan Tashi, who has been apprehending arrest in connection with Tezpur P.S. Case No.690/2022, under Section 420/468/471 IPC, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one Ashish Das, Divisional Manager, The New India Assurance Company Limited, Tezpur Division, Tezpur, on 07.06.2022. The essence of allegation made in the aforesaid FIR is that in connection with MACT Case No.07/2019 at Bomdila, one Policy, bearing No.53070431140200025373 against vehicle No.AR-03-2212 was filed and the said policy has been found to be fake, and not issued by the New India Assurance Company Limited.

4. Mr. Biswas, learned counsel for the applicant submits that the applicant was the registered owner of the TATA Sumo vehicle, bearing Registration No.AR-03-2212 and he sold the vehicle to one Lobsang Therchin of village Shyaro, under Jang P.S. of Tawang district in the year 2016, and to that effect he had executed one Sale Deed, which is annexed at page-18 (Annexure-B) of this petition and that the incident took place in the year 2018 and on that day he was the registered owner of the vehicle, as Shri Lobsang Therchin has not transferred the vehicle to his name and that he is no way involved with the offence alleged in the FIR and therefore, it is contended to allow this petition.

5. On the other hand, Mr. P. Borthakur, learned Additional Public Prosecutor, submits that the case diary may be called for.

6. Having heard the submission of learned Advocates of both sides, perusal of the case diary is found to be necessary and accordingly, it is provided that case diary be called for, fixing the matter on 17.11.2023.

7. In the meantime, considering the submission of learned counsel for both the parties, and also considering the materials placed on record, this Court is inclined to extend the privilege of interim pre-arrest bail to the applicant, till receipt of the case diary. Accordingly, it is provided that in the event of arrest of the applicant, namely, Thutan Tashi, in connection with Tezpur P.S. Case No.690/2022, under Section 420/468/471 IPC, he shall be released on interim pre-arrest bail on his executing a bond of ₹ 50,000/- with

one surety of the like amount to the satisfaction of the arresting authority. The above privilege is, however, subject to the following conditions:-

- (i) The applicant shall make himself available for interrogation by the Investigating Officer as and when required and he shall produce all the relevant documents from Annexure-B, C and D before the I.O.;
 - (ii) 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) The applicants shall not leave the jurisdiction of the learned C.J.M., Tezpur, without prior permission.
8. List the matter on 17.11.2023.

Sd/- Robin Phukan
JUDGE

Comparing Assistant