

GAHC010248252022



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

Case No. : AB/3600/2022

RONAK AGARWAL AND 4 ORS
S/O ANJAY AGARWAL, R/O FEEDER ROAD, BEHIND CHOICE BISCUIT
FACTORY, PARBATIA, TINSUKIA, P.O. AND P.S.-TINSUKIA, PIN-786125,
DIST- TINSUKIA (M), ASSAM

2: ANJAY AGARWAL
S/O LATE RADHE SHYAM AGARWAL
R/O FEEDER ROAD
BEHIND CHOICE BISCUIT FACTORY
PARBATIA
TINSUKIA
P.O. AND P.S.-TINSUKIA
PIN-786125
DIST- TINSUKIA (M)
ASSAM

3: RAJUL HUSSAIN
S/O MD. HAFIZUR RAHMAN
R/O VILL- JALUGUTI
P.O. AND P.S.-MIKIRBHETA
PIN-782104
DIST-MORIGAON
ASSAM

4: KRISHNA CHOWHAN
S/O RAGHUNATH CHOWHAN
R/O VILL NO 1 KALAIGAON
P.O. AND P.S.-KALAIGAON
PIN-784525
DIST- UDALGURI (BTAD)
ASSAM

5: SUHEL BUIYA
S/O AKRUSH BUIYA

R/O DURGAPUR
NEAR ASSAM OIL
DHARAMNAGAR
PIN-799131
NORTH TRIPURA
TRIPUR

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. D KALITA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 18-01-2023

Heard Mr. D. Kalita, learned counsel for the applicants. Also heard Ms. N. Das, learned Additional Public Prosecutor for the State respondent.

Case Diary has been received and I have perused the same.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, for grant of pre-arrest bail to the accused/applicants, who are apprehending arrest in connection with Basistha Police Station Case No.926/2022 under Section 120(B)/407/379 of the Indian Penal Code.

It is submitted by the learned counsel for the applicants, Mr. D. Kalita, the applicants are innocent and the informant has filed this FIR only to harass the

applicants and also threatened them not to continue with the business which they have already started. The applicants have already appeared before the IO receiving notice under Section 41 Cr.P.C. and they are also ready to co-operate with the further investigation of this case, if they are granted with the privilege of pre-arrest bail.

In this context, Ms. N. Das, learned Additional Public Prosecutor, has submitted that the applicants had already appeared before the I.O. and their statements have already been recorded by the IO and thus, they are co-operating with the IO for further investigation of this case and accordingly, the learned Additional Public Prosecutor has raised no objection if the applicants are granted pre-arrest bail.

Considering the submissions of learned counsels of both sides and also considering the materials available in the case diary as well as considering the conduct of the accused/applicants, I find that the custodial interrogation is not required herein this case and hence, I find it a fit case to grant the privilege of pre-arrest bail to the accused/applicants.

Accordingly, it is provided that in the event of arrest of the accused/applicants, namely, 1. Shri Ronak Agarwal, 2. Anjay Agarwal, 3. Rajul Hussian, 4. Krishna Chowhan, and 5. Suhel Buiya, in connection with Basistha Police Station Case No.926/2022 under Section 120(B)/407/379 of the Indian Penal Code, they shall be enlarged on pre-arrest bail on their executing a bond of Rs. 20,000/- (Rupees twenty thousand) each with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:

- (i) that the applicants shall make themselves available for interrogation by the Investigating Officer as and when required;
- (ii) that the applicants 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 applicants shall not leave the jurisdiction of the concerned jurisdictional Magistrate, without prior permission.

In terms of above, this Anticipatory Bail application stands disposed of.

Case Diary be sent back.

JUDGE

Comparing Assistant