

GAHC010252282022



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

Case No. : AB/3659/2022

KABITA DEVI .
W/O SRI KALPA NATH SARMA
R/O KHEHENIPARA, BEZERA,
P.S. BAIHATA CHARIALI
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. C K NATH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 09-01-2023

Heard Mr. Y.S. Mannan, learned counsel for the petitioner Kabita Devi who has filed an application under Section 438 Cr.P.C. with prayer for pre-arrest bail as she is apprehending arrest in connection with Rangia P.S. Case No. 653/2022 under

Sections 420/406 IPC.

Heard Mr. P. Borthakur, learned Addl. P.P. for State Respondent.

Perused the Case Diary.

It is submitted on behalf of the petitioner that on 19.07.2022 the petitioner lodged an FIR with the police at Baihata Chariali O.P. that Debojit Bhattacharya hired one Artic White Tata Yodha bearing Registration No. AS01PC1185 and a Bolero bearing Registration No. AS01FD6645 on rent from the petitioner. On 05.07.2022, the petitioner learnt from reliable source that his vehicles were not seen for some days and when she enquired about the vehicles Debojit Bhattacharya informed in a casual manner that her vehicles have been stolen. She lodged the FIR against Debojit Bhattacharya because he induced her to handover the original documents and misuse the same for executing agreements with various other people in the name of her firm "Kuhi Enterprise". It is also submitted on behalf of the petitioner that she also lodged a complaint which was registered as C.R. case No. 161/2022 against Munmun Ahmed alleging interalia that on 28.06.2022 an agreement was executed by Munmun Ahmed with Kuhi Enterprise regarding hiring on rent of five vehicles of Mahendra Bolero make and the complaint petition was dated 01.12.2022. The present FIR dated 21.10.2022 unfolds that on 28.06.2022 Munmum Ahmed entered into an agreement vide Agreement No. 15/2022 regarding hiring five vehicles, but as the agreement conditions were violated, the petitioner returned the vehicles except the Mahendra Bolero BS6 bearing Registration No. AS01EP6529 which was not returned to the informant Munmun Ahmed.

I have perused the Case Diary. The statement of the petitioner has already been recorded by the IO. The IO has also recorded the statement of the informant Munmun Ahmed. I have given my anxious consideration to the submission at the Bar. The custodial interrogation of the petitioner does not appear to be necessary at this stage of investigation. Petition is allowed.

In the event of her arrest, the petitioner shall be enlarged on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that –

- i) the petitioners will cooperate with the remaining part of the investigation; and
- ii) the petitioner shall refrain from such activities with which she is alleged.

Send back the Case Diary.

JUDGE

Comparing Assistant