

GAHC010258962023



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

Case No. : AB/3913/2023

SUNNY KR CHAUDHURY
S/O JAGADISH CHAUDHURY
R/O HATIPARA, TELELITOLA
P.S. NAGAON, DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, TO THE GOVT. OF ASSAM

Advocate for the Petitioner : MR. A M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 20-12-2023

Heard Mr. A.M. Khan, learned counsel for the petitioner and Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam.

2. By this application under Section 438, Code of Criminal Procedure, 1973 [CrPC], the petitioner viz. Sunny Kr. Chaudhury has approached this Court seeking the benefit of pre-arrest bail, apprehending his arrest, in connection with Paltanbazar Police Station Case no. 182/2023 registered under Sections 120B/420/325/468/379/506/34, Indian Penal Code [IPC] r/w Section 67 of the Information Technology Act, 2000.

3. In the First Information Report [FIR] lodged by the informant on 29.04.2023, it has been stated that the informant and the petitioner were in relationship for about 1½ years and there was an assurance from the petitioner to marry the informant. It has *inter alia* been alleged that the informant in the month of January, 2023 has been persuaded by the petitioner to purchase a two-wheeler in the name of the informant by availing a loan in the name of the informant herself. It has also been alleged that again in the month of February, 2023, the informant has been persuaded by the petitioner to purchase another two-wheeler in the name of the informant. The informant has further stated that both the two-wheelers have been purchased in the name of the informant after obtaining loan facilities from a bank. After purchasing both the two-wheelers, they were handed over to the petitioner and the petitioner had kept on using the two-wheelers without returning them to the informant, despite requests from her end. As a result, the informant has been continuing to pay the EMIs against the loan facilities obtained for purchasing the two-wheelers, without having custody and possession of the 2 [two] two-wheelers.

4. Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, who has received the case diary, submitted that apart from the statement of the informant recorded under Section 161, CrPC, there are no further materials in the case dairy and further investigation of the case is necessary in order to find out about the culpability of the petitioner.

5. From the contents of the FIR lodged against the petitioner, as briefly narrated above, the two-wheelers were purchased in the name of the informant only and the petitioner and the informant were known to each other since about 1½ years earlier.

6. The petitioner has asserted that the two-wheelers are still registered in the name of the informant and as such, no prejudice has been caused to the informant.

7. Having regard to the allegations made in the FIR and the projections made on behalf of the petitioner in the afore-stated manner, this Court is of the considered view that there appears to be no necessity for custodial interrogation of the petitioner, provided the petitioner extends his assistance and cooperation in the further investigation of the case by appearing

before the Investigating Officer [I.O.] of the case as and when his presence is called for. Accordingly, it is provided, that in the event of arrest of the petitioner viz. Sunny Kr. Chaudhury in connection with Paltanbazar Police Station Case no. 182/2023, he shall be released on bail on furnishing a bail bond of Rs. 30,000/- with one local surety of the like amount, to the satisfaction of the arresting authority, subject to the conditions that :-

[i] the petitioner shall appear before the Investigating Officer [I.O.] of the case within 10 [ten] days from today and shall cooperate with the investigation and shall thereafter, make himself available as and when his presence is required by the I.O. in the investigation of the case;

[ii] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any witness 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 petitioner shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.

8. The bail application stands disposed of in the aforesaid terms.

JUDGE

Comparing Assistant