

GAHC010282692023



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

Case No. : AB/4215/2023

PRANJAL DEKA
S/O LATE HAREN DEKA
R/O MADHAVDEV ROAD,
P.S. NAGAON
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S H SIKDAR

Advocate for the Respondent : PP, ASSAM

- B E F O R E -

HON'BLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

15.12.2023

Heard Mr. S.H. Sikdar, learned counsel for the petitioner. Also heard Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam.

This application under Section 438 of Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Pranjal Deka, who is apprehending his arrest in connection with Dispur P.S. Case No.2090/2023 under Sections 420/406/506 of Indian

Penal Code.

The gist of accusation against the present petitioner in this case is that on 31.10.2020, one Dipak Boro had lodged an FIR before the Officer-In-Charge of Dispur Police Station, *inter-alia* alleging that the first informant had rented a Maruti Suzuki Dzire vehicle bearing Registration No.AS-01-DU-5726 to the present petitioner on an agreement that the petitioner would pay Rs.25,000/- (Rupees twenty five thousand) only per month to the first informant but he has defaulted the payment of rent to the first informant for 6(six) months prior to lodging of the FIR and therefore, the offence of cheating has been alleged against the present petitioner.

Learned counsel for the petitioner has submitted that the liability, if any, against the present petitioner is contractual in nature and it is also submitted that there is a talk of compromise going on between the parties. Learned counsel for the petitioner has further submitted that the petitioner is also ready to co-operate in the investigation.

Learned counsel for the petitioner has submitted that even after the lodging of the FIR, the petitioner has paid the monthly rent to the informant and the informant has received the same. In support of this submission, the petitioner has annexed the Bank Statement of the Account maintained by him.

Learned Additional Public Prosecutor, Assam has submitted that *prima-facie* the nature of the dispute between the parties appears to be of civil nature.

Considering the submissions made by the learned counsel for both the sides and also considering the materials available before this Court, the petitioner, namely, Pranjal Deka, is hereby directed to appear before the Investigating Officer of Dispur P.S. Case No.2090/2023 within a period of 10 (ten) days from the date of this order and co-operate in the investigation.

If the petitioner named above do so within the stipulated period of time, in the event of his arrest in connection with Dispur P.S. Case No.2090/2023, he shall be

allowed to go on bail of Rs.30,000/- (Rupees thirty thousand) with one suitable surety of like amount subject to the satisfaction of the arresting authority with the following conditions:-

- (i) that the petitioner shall co-operate in the investigation;
- (ii) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case, so as to dissuade such person from disclosing such facts of the case before the investigating officer.

With the above observations and directions, this anticipatory bail application is hereby disposed of.

JUDGE

Comparing Assistant