

GAHC040003582024



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

Case No. : AB/57/2024

Tayam Siram
Son of Late Tayong Siram, Komsing Village, PO Pangin, Siang District, Arunachal Pradesh, present address Lekhi Village Nirjuli, PO Nirjuli, Papumpare District, Arunachal Pradesh

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Tabit Tapak

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 12-03-2024

Heard Mr. T. Tapak, the learned counsel for the petitioner and
Mr. J. Tsering, the learned Public Prosecutor for the State of
Arunachal Pradesh.

This is an application under Section 438 Cr.P.C in respect of Nirjuli P.S. Case No. 12/2024 under Sections 417/418/420 of the Indian Penal Code.

The petitioner borrowed a sum of Rs. 21,00,000/-(Rupees Twenty One Lakhs) from one Vijay Thakur. The petitioner promised that he will pay double the amount i.e. Rs. 42,00,000/-(Rupees Forty Two Lakhs) to Vijay Thakur. Therefore, at the time of taking Rs. 21,00,000/-(Rupees Twenty One Lakhs) from Vijay Thakur, the petitioner issued a cheque of Rs. 42,00,000/-(Rupees Forty Two Lakhs) to Vijay Thakur. And now the petitioner could not arrange the money for different reasons, therefore, the Vijay Thakur along with another person name Shri Achu Bagang lodged an FIR before the police.

Mr. Tapak, the learned counsel for the petitioner submits that Vijay Thakur might present the aforesaid cheques of Rs. 42,00,000/-(Rupees Forty Two Lakhs) in the bank and thereafter, he might file a case under Section 138 of NIA Act.

Mr. J. Tsering, the learned Public Prosecutor submits that the case diary is required for appreciation of bail prayer.

I have considered the submissions made by learned counsel of both sides. This Court is of the opinion that the present story

projected in the FIR has the elements of civil dispute and I am of the considered opinion that the present petitioner does not deserve to be detained in custody under the present facts and circumstances, therefore, his pre-arrest bail prayer is allowed.

It is hereby directed that in the event of arrest of the petitioner, Shri Tayam Siram in connection with Nirjuli P.S. Case No. 12/2024, he shall be released on bail on furnishing a bail bond of Rs.25,000/- with a surety of like amount to the satisfaction of the arresting authority. The petitioner is directed to cooperate with the investigation officer as and when called for.

With the aforesaid direction, the present bail application stands disposed of.

JUDGE

Comparing Assistant