

GAHC040003962024



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

Case No. : AB/61/2024

Suraj Kanta Das
S/o of Late Futku Das,
resident of village Khaglamari,
PO/PS Lakhipur,
District Goalpara,
Assam-783129

VERSUS

THE STATE OF AP
represented by the PP of AP

Advocate for the Petitioner : Mr. D. Gogoi

Advocate for the Respondent : Ms. T. Jini, Addl. P P of AP

BEFORE
HONBLE MR. JUSTICE KARDAK ETE

ORDER

Date : 07-05-2024

Heard Mr. D. Gogoi, learned counsel for the applicant and Ms. T. Jini, learned Additional Public Prosecutor for the State.

2. This is an application under Section 438 of the CrPC, 1973 for grant of privilege of pre-arrest bail in connection with Yachuli P.S. Case No. 9/2023 under

Sections 420/380 of the IPC.

3. The FIR was logged by one Shir Joram Lele of Bagang Lapang, opposite DIGP Office, Ganga Itanagar, Arunachal Pradesh alleging that the accused applicant was engaged as a carpenter for construction of house at Itanagar and Joram village. After full settlement of all his accounts for the works done by the accused person, he approaches for monetary assistance on the ground of illness of his wife promising the complainant to continue his unfinished work at Joram village.

4. It is also alleged that the accused applicant has took advances from the informant and has never turned up. The complainant has further alleged the following:

1. Out of sympathy, I provided him with financial aid amounting to INR 50,000/- to his wife Mamta NR Shudra A/c 29650100006870 Bank of Baroda Guwahati dated 31 July 2023 (Proof Attached) for Medical expenses which would later be adjusted against his bill.

2. Subsequently, he again asked for 10,000/- more after 3 days citing that the money was not enough to meet the medical expenses. As such an amount 7900/- was transferred to his account no. 30370110028315 UCO bank, Guwahati dated-3rd August 2023(Proof attached) and cash of 2100 handed over to him on the same date.

3. Lastly, on the promise that he is coming back with 2 nos of helpers and need advance to pay his helpers an amount of INR 25,000/- was paid as advance on his account no. 30370110028315

UCO bank, Guwahati dated 6 September 2023.

4. On site, at Joram Village there were several other machineries found missing. (THEFT)

- | | |
|---------------------------------------|----------------|
| 1. pcs of 12 Inch Mill cutter Machine | worth 15,000/- |
| 2. Hand Grinder Machine | worth 4,000/- |
| 3. rolls of 4mm wire @ 4500 | worth 18,000/- |

5. At Joram Village (his work site) there are nos of vendor & wine shops he has taken advance amounting to appox.14,000/- from 3-4 shops.

5. The aforesaid allegations appears to be of cheating and theft. The FIR was registered being Yachuli P.S. Case No. 9/2023 under Sections 420/380 of the IPC.

6. Mr. D. Gogoi, learned counsel for the applicant submits that the informant has misbehaved and illtreated the accused applicant being a carpenter and he did not honour his promise to pay the dues for the work executed for construction of the house of the informant at Itanagar and Joram village. He submits that the accused applicant has never stolen any goods and never cheated the informant. In any case, he submits that the accused applicant is cooperating with the investigating authority.

7. Ms. T. Jini, learned Additional Public Prosecutor has produced the Case Diary. She submits, while referring to the Case Diary, that the matter appears to be a dispute regarding pending dues of the accused with the informant who has been engaged as carpenter for construction of house at Itanagar and Joram village. There is no incriminating material against the accused applicant for

offences as alleged.

8. Having considered the submissions of the learned counsel appearing for the parties and also on perusal of the Case Diary, I find that the accused was engaged as a carpenter by the informant and there appears to be a dispute with regard to the claim of dues from the informant and the accused applicant. No incriminating material against the accused applicant could be found.

9. This Court, on 19.03.2024, grant interim pre-arrest bail to the accused applicant, Shri Kanta Das, in connection with the aforesaid case. Accordingly, the accused has appeared before the investigating authority and is appears to be cooperating with the investigation by abiding the conditions as provided in the interim bail order. Accordingly, I deem it appropriate to grant the accused applicant the privilege of pre-arrest bail. Accordingly, the interim pre-arrest bail, dated 19.03.2024, is made absolute.

10. The bail application stands allowed and disposed of with same terms and conditions provided in the order dated 19.03.2024.

JUDGE

Comparing Assistant