

GAHC040008642024



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

Case No. : AB/104/2024

Adarsh Jhunjhunwala
Son of Late Pawan Kumar Jhunjhunwala, resident of Anil Plaza, 4th Floor (B1), near
ABC, Bhangagarh, Guwahati 06, PS Bhangagarh, Kamrup (M) District, Assam

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : J C Gogoi

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MRS. JUSTICE MARLI VANKUNG

ORDER

Date : 26.07.2024

Heard Mr. Mr. J. C. Gogoi, learned counsel for the applicant/ petitioner along with Ms. T. Jini, learned Additional Public Prosecutor for the State respondent.

It is seen that the petitioner/applicant was granted interim pre-arrest bail vide this Court's order dated 16.07.2024 and today is fixed for the final hearing and disposal of the bail application filed under Section 438 of Cr.P.C in connection with Bhalukpong P.S Case No. 19/2023 under Sections 420/406 of

IPC.

Mr. J. C. Gogoi, learned counsel for the applicant/petitioner submits that the petitioner could not appear before the case of the I.O on the date fixed for his appearance due to his medical condition and has submitted the medical certificate issued by Dr. B. M. Prasad on 24.07.2024. The learned counsel for the petitioner has thus prayed that the interim bail previously granted by this Court in its order dated 16.07.2024 may be regularized and the petitioner may be allowed to be released on bail in the event of his arrest since the petitioner was innocent of the charge falsely made against him under Sections 420/406 of the IPC.

He further submits that he will be fully co-operating with the investigation of the instant case.

Ms. T. Jini, learned Additional Public Prosecutor has brought to the notice of this Court that even though the petitioner is said to be having medical problem, a perusal of the Case Diary reflects that the petitioner had travelled to Dibrugarh to attend a wedding during the pendency of the matter and thereafter, he travelled to Bombay as informed by the legal advisor of the firm. The learned Additional Public Prosecutor also submits that the contents of the Case Diary shows that the petitioner has not been co-operating in the investigation of the case.

The learned Additional Public Prosecutor further submits that since the petitioner had been not co-operating with the investigation of the case, a non-bailable warrant of arrest was already been issued against the petitioner on 02.02.2024 and the instant anticipatory bail application was filed on 16.07.2024.

Having heard the submissions made by the learned counsels for the parties and on perusal of the nature of the FIR filed and considering the fact that the petitioner has been charged under Sections 420/406 of IPC, this Court find a fit to grant anticipatory bail to the applicant/petitioner under Section 438 of Cr.P.C by regularizing the interim bail granted to the petitioner vide this Court's order dated 16.07.2024 with the same bail bond, surety and conditions imposed by this Court earlier.

Accordingly, with the above observation, the instant anticipatory bail application is allowed and stands disposed of.

JUDGE

Comparing Assistant