

GAHC040010382024



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

Case No. : AB/112/2024

Mankesh Kr Singh
Son of Shri Vijay Singh, resident of Ward No. 12 of Marwa Basahiya Village, PO
Sonbarsa, PS Panapur Sonbarsa, Saran District, Bihar 841410

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Ojing Pada

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 19.08.2024

- 1.** Heard Mr. Ojing Pada, learned counsel for the petitioner. Also heard Mr. J. Tsering, learned Public Prosecutor for the State respondent.
- 2.** This application has been preferred under Section 482 of BNSS, 2023, by the petitioner, namely, Mankesh Kr. Singh who is apprehending his arrest in connection with Dumporoji P. S. Case No. 03/2024 registered under Section 381/34 of the Indian Penal Code.
- 3.** The gist of the accusation in this case is that, on 05.06.2024, one Dei Nalo

had lodged an FIR before the Officer-in-Charge of Dumporoji Police Station, *inter-alia*, alleging that the father of the present petitioner, namely, Sh. Vijay Singh, had entered into a lease deed on 30.09.2021 with the informant to run the Essar Petrol Depot at Dumporojo.

4. However, it is alleged therein that on the night of 03.05.2024, the petitioner's father along with his family members ran away, fled Dumporojo after taking all cash from the cash counters.
5. It is also alleged that the father of the accused persons misused the cheque leaves which were in the name of KKK Mardei Filling Station to acquire private loan without authorization or approval of the informant.
6. Learned counsel for the petitioner has submitted that in the meanwhile, the main accused i.e., the father of the petitioner was arrested 06.06.2024 and he was released on 20.07.2024.
7. The counsel for the petitioner has submitted that the petitioner is in no way involved in the offence alleged in the FIR as the lease was entered between the informant and his father.
8. It is also submitted by the learned counsel for the petitioner that the petitioner is ready to cooperate with the investigation.
9. I have considered the submissions made by the learned counsel for this case and perused the materials available on record.
10. As the main accused has already been released, so this Court is of considered opinion that if the petitioner cooperates in the investigation his custodial detention may not be necessary.
11. Hence, the petitioner, namely, Mankesh Kr. Singh is hereby directed to appear before the Investigating Officer of Dumporoji P. S. Case No. 03/2024 within a period of 15 days from the date of this order and co-operate with the Investigating Officer in fair completion of investigation. If he does so within the stipulated period of time, in the event of his arrest in connection with Dumporoji

P. S. Case No. 03/2024, he shall be allowed to go on bail of Rs. 30,000/- (Rupees Thirty Thousand only), with one surety of like amount to the satisfaction of the arresting authority subject to 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.

12. With the above observation, this bail application is disposed of.

JUDGE

Comparing Assistant