

GAHC040016832023



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

Case No. : AB/85/2023

Tinku Das
S/o late Gopal Das, R/o Silapathar, P.O/P.S Silapathar, District Dhemaji, Assam,
Contact 9365379820

VERSUS

THE STATE OF AP
represented through Public Prosecutor

Advocate for the Petitioner : T Pumbo

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 22.01.2024

Heard Mr. T. Pumbo, learned counsel for the petitioner. Also heard Ms. L. Hage, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal

Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Kamba P.S. Case No. 17/2023, under Sections 406/420.

Case Diary has been received and I have perused the same.

It is submitted by Mr. Pumbo, learned counsel for the petitioner, that the accused/petitioner is innocent and he is no way involved in the alleged offence. It is a fact that he had some business transaction with the informant and on good faith, he also credited an amount of Rs. 10,50,000/- and on being asked, he provide 2 cheques and out of that, one cheque of Rs. 6,00,000/- was already been withdrawn by the petitioner, but the remaining cheque of Rs. 4,41,000/- was deposited on 20.11.2023, which was bounced, and in that regard, he also informed the complainant. But, with some false and concocted allegation, the informant lodged the F.I.R. against him. Apart from that, it is also submitted that the petitioner also issued a legal demand notice to the complainant Further it is submitted that after obtaining the interim pre-arrest bail from this Court, the accused/petitioner had appeared before the I.O. and co-operated in the investigation of the case, who also recorded his statement under Section 161 Cr.P.C. He is still ready and willing to co-operate with the I.O. in the further investigation of the case if he is granted with the privilege of pre-arrest bail.

On the other hand, Ms. Hage, learned Additional Public Prosecutor, has submitted that it is a fact that the I.O. has recorded the statement of the

petitioner under Section 161 Cr.P.C., wherein also he stated the same thing and as per the petitioner, 2 (two) cheques were issued in favour of him and out of which, one cheque was bounced and there was some altercation and for that reason, the present F.I.R. has been lodged.

After hearing the submissions of learned counsels for both sides, and also considering the materials available in the Case Diary as well as the statement of the informant and the accused/petitioner and further considering the fact that the accused/petitioner has already appeared before the I.O. and co-operated in the investigation of the case, I find that custodial interrogation of the accused/petitioner is not at all necessary. Accordingly, the interim pre-arrest bail order dated 11.12.2023, is hereby made absolute with the same terms and conditions.

In terms of above, this anticipatory bail application stands disposed of.

The Case Diary be sent back.

JUDGE

Comparing Assistant