

GAHC010000402024



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

Case No. : AB/2/2024

DR RATUL DAS
S/O SAMIRAN DAS
R/O UMRANGSO, 14KM, P.S. UMRANGSO, DIST. DIMAHASAO, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, GOVT. OF ASSAM

Advocate for the Petitioner : MR B CHANDA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE MRIDUL KUMAR KALITA

O R D E R

05.01.2024.

Heard Mr. B. Chanda, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor, Assam for the respondent State.

(2) This application under Section 438 of the Code of Criminal Procedure, 1973, has been filed by petitioner, namely, Dr. Ratul Das who is apprehending arrest in connection with Tinsukia P.S. Case No.383/2023, corresponding to G.R.

Case No.848/2023, under Sections 120B/468/471 of the Indian Penal Code, 1860 for granting pre-arrest bail.

(3) The gist of accusation against the present petitioner is that on 14.06.2023, one Pinki Sen lodged an FIR before the Officer-in-Charge of the Hojai Police Station, inter alia, alleging that the present petitioner is the ex-husband of the first informant and who got separated in the year 2018, took a car loan from the ICICI Bank, Tinsukia Branch by forging the signature of the first informant.

(4) The learned counsel for the petitioner submits that the first informant was the wife of the present petitioner and after the present petitioner got detected with blood cancer, the first informant filed a divorce case against him and ultimately on 06.10.2021, the divorce was granted. It is also submitted by the learned counsel for the petitioner that though the alleged incident occurred in the year 2018, however the FIR has been lodged in the year 2023. It is also submitted by the learned counsel for the petitioner that the allegations made against the present petitioner in the FIR are not true and considering the allegations made in the FIR, custodial interrogation may not be necessary. It is further submitted that the petitioner shall co-operate with the investigation, if he is allowed to go on bail.

(5) Mr. K.K. Parasar, learned Additional Public Prosecutor submits that considering the fact that the allegation of forgery which occurred in the year 2018 and considering the fact that the matter relates to documentary evidence only, custodial detention may not be necessary.

(6) Considering the submission made by learned counsel for both the parties and the materials available on record, this Court is of considered opinion that if the petitioner co-operates in the investigation, his custodial detention may not

be necessary for fair completion of investigation of the Tinsukia P.S. Case No.383/2023.

(7) In view of the above, the petitioner named above is hereby directed to appear before the Investigating Officer of Tinsukia P.S. Case No.383/2023, within a period of ten (10) days from today and co-operate in the investigation. If he does so, within the stipulated period of time, in the event of his arrest in connection with the Tinsukia P.S. Case No.383/2023, the above named petitioner shall be allowed to go on bail of Rs.30,000/- (Rupees thirty thousands) only with one surety of like amount, subject to satisfaction of the arresting authority, with following conditions:

(1) That the petitioner shall not directly or indirectly make any inducement, threat or promise to the victim woman or any person who are acquainted with the facts of this case so as to dissuade such person/victim from disclosing such facts to the Investigating Officer.

(2) That the petitioner shall cooperate with the Investigating Officer and shall also provide his contact number to the Investigating Officer and shall also appear before the Investigating Officer, as and when so required by the Investigating Officer, for the sake of investigation.

(8) With the above observations, this bail application is hereby disposed of.

JUDGE

Comparing Assistant