

GAHC010000842024



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

Case No. : AB/34/2024

BHARAT LAL CHAUHAN AND 2 ORS
S/O LT. BASDEV CHAUHAN
VILL- PUB SILPUTA
P.O. RAJAPATHAR
P.S. BAKALIA
DIST. EAST KARBI ANGLONG,
ASSAM, PIN-782482

2: BHOLA CHAUHAN
S/O SRI CHUMMAN CHAUHAN
R/O VILL- PU SILPUTA

P.O. RAJA PATHAR

P.S. BAKALIA
DIST. EAST KARBI ANGLONG
ASSAM
PIN-782482

3: SHIV PARABESH CHAUHAN
S/OSRI BANS GOPAL CHAUHAN
VILL- PUB SILPOTA
P.O. RAJA PATHAR
P.S. BAKALIA
KARBI ANGLON

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S CHAUHAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

06.02.2024

Heard Mr. S. Chauhan, learned counsel for the petitioners. Also heard Mr. K. K. Das, learned Additional Public Prosecutor for the State respondent.

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioners, who are apprehending arrest in connection with Bakalia P.S. Case No. 63/2023, under Sections 120(B)/420/468/471/408/197/198 of the Indian Penal Code.

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

It is submitted by the learned counsel for the petitioners, Mr. Chauhan, that the accused/petitioners are innocent and not at all involved in alleged offence. He also submits that the names of these petitioners are not mentioned in the FIR. It is contended by the petitioner No.1 that the police of Bakalia directed him to bring the petitioner Nos. 2 and 3, who are CRPF personnel by profession. The police also told the petitioner No.1 that he will be arrested if he fails to bring the petitioner Nos. 2 and 3 and thus, all the petitioners have apprehension that they might be arrested in connection with this case and accordingly, they filed this application seeking for anticipatory bail. Further, it is submitted that the accused/petitioners are still ready to co-operate with the I.O. in the investigation of the case. if they are granted with the privilege of pre-arrest bail.

In this context, Mr. Das, learned Additional Public Prosecutor has submitted that there are sufficient incriminating materials available against the present petitioners. Even, the Case Diary reveals that the petitioner Nos. 2 and 3 got their job by manufacturing fake documents i.e. by showing their residential address as Northeast India and also enrolled their names in the voters list with the help of the petitioner No.1. He also submits that the main accused namely, Ramananda Chauhan and Rajkumar Chauhan also mentioned the names of the present petitioners and their involvement in the statement recorded under Section 164 Cr.P.C. Accordingly, Mr. Das, learned Additional Public Prosecutor raised objection on the prayer made by the learned counsel for the petitioners.

After hearing the submissions of learned counsels for both sides and also perusing the case diary, it is seen that the petitioners are involved in criminal conspiracy and also the petitioner Nos. 2 and 3 obtained some fake documents showing their residential address as Northeast India only to get the job in CRPF. Thus, considering the nature and gravity of the offence, I find that further custodial interrogation of the accused/petitioners may be necessary to unearth some more facts of the case and accordingly, I am of the view that this is not a fit case where the privilege of pre-arrest bail can be granted to the accused/petitioners at this stage and accordingly, the same stands rejected.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant