

GAHC010004182024



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

Case No. : AB/58/2024

RAJIB KHOUND
S/O SRI RAJENDRA NATH KHOUND,
R/O MANKOTA ROAD,
KAHARI BARI, TEPOR GAON,
P.O. C.R. BUILDING, P.S. DIBRUGARH, ASSAM, PIN-786003

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S N TAMULI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 22-01-2024

Heard Mr. S. N. Tamuly, learned counsel for the applicant and also heard Mr. R. J. Barua, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with CID P.S. Case No. 16/2023, under

Sections 120(B) /255 /256/ 257/259 /406 /417/ 419/ 420/ 463 /465/ 466 /468 / 471 /472/ 474/ 506 IPC, read with Section 7(1)/ (2) of State Emblem of India (Prohibition of Improper use) Act, 2005, this application, under Section 438 Cr. P.C. is preferred by the applicants, namely, Sri Rajib Khound for grant of pre-arrest bail.

It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one Kamal Sabharwal, Director & Authorized representative of Sabharwal Trading India Pvt. Ltd on 15.8.2023.

The essence of allegation made in the FIR dtd 15.8.2023, relates to cheating by personation as a public servant, forgery of valuable security and counterfeiting of seals and documents with dishonest intention to misappropriate funds of Matak Autonomous Council.

Mr. Tamuly, learned counsel for the applicant submits that the applicant is innocent and no way involved with the offence alleged in the FIR and in connection with the aforementioned case one Partha Bharadwaj and Pallab Thakuria were arrested by police and the petitioner apprehends that his name is uttered by the aforesaid two accused, and therefore he apprehends arrest and approached this Court and that he is ready to cooperate with the investigating agency, and therefore it is contended to allow this petition.

On the other hand, Mr. Barua, learned Addl. P.P. produced the case diary before this Court and submits that in fact, applicant is not an accused herein this case and he is no way involved with the aforementioned case and he is also not warranted in the aforementioned case.

Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr.Baruah, learned Addl. P.P.

In view of submission of learned Addl. P.P. and also having gone through the case diary with his assistance of Mr. Barua and this Court is of the view that the applicant is no way connected with the present case and he is not warranted herein this case and as such, the petition become infructuous, and accordingly, the same stands dismissed.

Case diary be returned.

JUDGE

Comparing Assistant