

GAHC010024432024



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

Case No. : AB/274/2024

DR. RAJIB KUMAR MOHOTTA
S/O LATE SONU RAM MOHOTTA
R/O VILL- BISHNUPUR, P.O. AND PS. MORANHAT, IN THE DISTRICT OF
CHARAIDEO, ASSAM, PIN-785670

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M KALITA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 01.03.2024

Heard Mr. M. Kalita, learned counsel for the applicant and Mr. A. Baishya, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Dibrugarh P.S. Case No. 21/2024, under Sections 406/420/506 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, Dr. Rajib

Kumar Mohotta for grant of pre-arrest bail.

3. The said case has been registered on the basis of one F.I.R., lodged by one Ranjan Gogoi, on 16.01.2024. The essence of allegations made in the FIR is that one Rajib Kumar Mohotta took a sum of Rs. 53,00,000/- from the informant, assuring him to return the same within a period of one month. But, he failed to return the same even after second week of January, 2024 and when asked to return the same, he threatened him.

4. Mr. Kalita, learned counsel for the applicant submits that the applicant had been granted the privilege of interim pre-arrest bail, vide order dated 06.02.2024, and pursuant to the said order, he had also appeared before the I.O. and he has been cooperating with the investigating agency, and therefore, a contention is being made that the interim order dated 06.02.2024, may be made absolute in the same terms and conditions.

5. On the other hand, Mr. A. Baishya, the learned Addl. Public Prosecutor submits that he has not received the case diary and as per his instruction, the I.O. has laid charge-sheet, being charge-sheet No. 27/2024, dated 27.02.2024, under Sections 406/420/506 of the IPC, against the present applicant.

6. In view of the submission of learned Advocates of both side, this Court is inclined to dispose of this application by directing the applicant to appear before the learned Court below on or before 18.03.2024, and to apply for regular bail and in the event of such an application, the learned Court below shall consider the same in accordance with law.

7. Till then, interim order dated 06.02.2024 stands extended.

JUDGE

Comparing Assistant