

GAHC010024602024



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

Case No. : AB/302/2024

JOY SINGHA
S/O LATE MOHAN SINGHA
R/O GOLAGHATIA BASTI,
P.O. GOLAGHATIA BASTI,
P.S. HOJAI
DIST. HOJAI, ASSAM
PIN-782435

VERSUS

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

Advocate for the Petitioner : MR. N B P SINGHA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 01.03.2024

Heard Mr. N.B.P. Singha, learned counsel for the applicant and Mr. B. Sarma, learned Addl. Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Hojai Police Station of any case,

this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, Shri Joy Singha for grant of pre-arrest bail.

3. Though the Mr. Singha has failed to furnish the case No. and about the informant who lodged the FIR, Ms. Begum was directed to obtain necessary instruction from the Officer In-Charge of the concerned P.S. as to whether any FIR has been lodged against the applicant or not.

4. Pursuant to the orders dated 13.02.2024 and 21.02.2024, Mr. B. Sarma, learned Additional Public Prosecutor has produced a written report from the Officer-in-charge of Hojai P.S. and perusal of the same indicates that one complaint has been lodged against the present applicant by one Samar Singha, in respect of cheating of money, and upon the said complaint, Hojai P.S. G.D. Entry No. 08 dated 24.01.2024 has been recorded and WASI Munmi Bordoloi is endorsed to investigate the same, and during the investigation, sufficient evidence could not be collected, but the case is under enquiry stage.

5. Mr. Singha, learned counsel for the applicant submits that the applicant is ready to cooperate with the investigating agency and will appear the I.O., and therefore, it is contended to allow the application.

6. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor submits that at this stage, the G.D. Entry and the complaint lodged by Samar Singha may be called for.

7. However, having gone through the report submitted by the Officer-in-charge of Hojai P.S., it appears that the case relates to cheating of money and cheating is a non-bailable offence and as such, there is apprehension of arrest, and therefore, having regards to the submission of learned Advocate of both sides, this Court is inclined to allow the application.

8. Accordingly, it is provided that in the event of arrest of the applicant in

connection with Hojai P.S. G.D. Entry No. 08 dated 24.01.2024, recorded in connection with the complaint lodged by one Samar Singha, he shall be released on pre-arrest bail on executing a bond of Rs. 50,000/- with one surety of like amount to the satisfaction of the arresting authority. The above privilege is, however, subject to the following conditions:

- (i) The applicant shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- (iii) The applicant shall not leave the jurisdiction of the learned C.J.M., Hojai, without prior permission.

9. In terms of above, this application stands disposed of.

10. The written report, submitted by Mr. Sarma shall be part of the record.

JUDGE

Comparing Assistant