

GAHC010035442024



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

Case No. : Bail Appln./492/2024

SACHIN PRABHAKAR ADHIKARI
S/O LATE PRABHAKAR ADHIKARI
R/O 1, RAJIV GANDHI BRIDGE, NERUL, NAVI MUMBAI-400706,
MAHARASTRA, INDIA.

VERSUS

THE STATE OF ASSAM AND ANR.
REP BY THE PP, ASSAM

2:AMIT TIPNIS
S/O PRABHAKAR TIPNIS
R/O A 401 RAVAL TOWER

SECTOR-11M CBD BELAPUR
NAVI MUMBAI-400614

CONTACT NO. 932223444

Advocate for the Petitioner : MR R B PHOOKAN

Advocate for the Respondent : PP, ASSAM

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

17.07.2024

Heard Mr. R. B. Phookan, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent No.1 and Mr. P. Naik, learned counsel for the respondent No.2.

This application filed under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner, who has been languishing in jail since 11.12.2023 in connection with Fatasil Ambari P. S. Case No.220/2023, registered under Sections 120B/406/409/419/420/467/468/471/477-A/506/34 of the Indian Penal Code.

Mr. Phookan, learned counsel for the petitioner, submits that the petitioner was granted interim bail considering that the matter had been amicably settled between the parties, subject to certain terms and conditions. The Court had directed the production of the updated case diary detailing the settlement agreement between the parties. Subsequently, by order of this Court, the petitioner was instructed to comply with the settlement agreement dated 15.02.2024, which had been executed by the informant, and to file a status report accordingly. On 20.05.2024, the petitioner filed the affidavit in compliance of the Court's order and stated that till date he has already paid an amount of Rs.4.65 Crores in accordance with agreed terms and conditions and an amount of Rs. 6.6. Crores is due and payable to the complainant/informant. It was further stated that the petitioner is ready and willing to pay the entire amount.

In compliance with the aforementioned order, the petitioner has now

submitted a status report indicating a total payment of Rs. 11.25 Crores, asserting that this sum has been paid to the satisfaction of the respondent No.2 as per the terms of the settlement agreement. Accordingly, Mr. Phookan prayed for the interim pre-arrest bail order to be made absolute

In this regard, Mr. Naik, learned counsel for the respondent has submitted that as per the terms of the agreement, the respondent No.2 has already received an amount of Rs.11.25 crore which has been paid by the petitioner and hence, he has no objection, if the interim bail granted to the accused/petitioner is made absolute.

In this context, Mr. Borthakur, learned Additional Public Prosecutor has submitted that, the State has no objection if the interim bail is made absolute, as the accused/petitioner has already paid the entire amount of Rs. 11.25 Crores towards the satisfaction of the settlement agreement.

Considering the submissions of learned counsels for both sides, as well as considering the fact that the amount has already been paid by the petitioner, I find it a fit case to extend the privilege of bail to the accused/petitioner. Accordingly, the bail order, granted to the accused/petitioner vide order dated 20.02.2024, is hereby made absolute with a direction to the accused/petitioner to co-operate with the I.O. in further investigation of the case.

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

Further, the status of payment submitted by the learned counsel for the petitioner be tagged along with the case record.

JUDGE

Comparing Assistant