

GAHC010036082024



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

Case No. : AB/446/2024

KANGKAN PATGIRI
S/O KULADHAR PATIGIRI
R/O HATHINAPUR, PATHSALA GAON, BARPETA, ASSAM- 781325

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S N KRISHNATRAYA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

13.03.2024

Heard Mr. S.N. Krishnatraya, learned counsel for the petitioner. Also heard Mr. K.K. Parashar, learned Addl. P.P, Assam.

This is an application under Section 438 of the Cr.PC, 1973 for granting pre-arrest bail to the petitioner, i.e., Kangkan Patgiri in connection with Pathsala

P.S. Case No. 15/2024 registered under Sections 120B/409/468/471 of IPC.

The case of the prosecution is that an FIR was lodged on 09.02.2024 inter alia alleging that upon verification, it is found that when only 16 Command Certificates are issued by the Commandant, Home Guard, Urban Wing, Barpeta, 63 numbers of Command Certificates of Home Guard Volunteers were received at Police Reserve Office, Bajali. Accordingly, a case was registered.

Mr. S.N. Krishnatraya, learned counsel for the petitioner submits that the petitioner is not involved in the offence alleged and only on suspicion, a case has been registered against him.

Mr. K.K. Parashar, learned Addl. P.P on the other hand strongly opposes the prayer for anticipatory bail. He submits that there are materials available on record implicating the petitioner for the alleged offence. He further submits that the petitioner has been absconding and has not participated in the investigation.

I have heard the submissions made at the bar and have perused the materials available on record.

Considering the submissions of the learned counsel for the petitioner that he is willing to appear before the I.O, this Court is inclined to grant pre-arrest bail to the petitioner.

Accordingly, it is provided that the petitioner named above, in the event of arrest in connection with the above noted case, he shall be released on pre-arrest bail with a bail bond of Rs. 30,000/- with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:-

- (i) That the petitioner shall appear before the Investigating Officer within 7 days, failing which on and from the 8th day, he shall be arrested.
- (ii) That the petitioner 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) That the petitioner shall refrain from committing any similar offences in future of which he is accused or suspected of commission.

With the above observation and direction, the anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant