

GAHC010042962024



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

**Case No. : AB/593/2024**

ASHIK FARAJI  
S/O ALI AKBAR FARAJI, R/O VILL- CHITALMARI PATHAR, P.S.-JURIA, DIST-  
NAGAON, PIN-782124

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner** : MD. S ALOM

**Advocate for the Respondent** : PP, ASSAM

**BEFORE**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**  
**ORDER**

**09.05.2024**

Heard Mr. S. Alom, learned counsel for the applicant and Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State respondent.

**2.** Apprehending arrest in connection with **Lakhipur P.S. Case No. 417/2022**, under Sections 420/406 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, **Shri Ashik Faraji** for grant of pre-arrest bail.

**3.** The said case has been registered on the basis of one F.I.R., lodged by

one Salim Malik and Jinnat Ali, on 06.11.2022. The essence of allegations made in the FIR is that pursuant to an agreement, dated 20.07.2017, one Ashik Faraji, authorized signatory for Arthy Learning Implementation Private Limited, situated at Jamguri, Bhetinai Road, Nagaon, House No. 101(2), the informants have engaged several persons as trainer in various filed namely Moslem Uddin as Counselor; Abdul Kuddus Miah as 4<sup>th</sup> Grade; Tasmina Khatun as receptionist; Momotaz Begum as self employed tailor trainer; Rahela Khatun as counselor; Nirodha Ray as self employed tailor trainer; Mehedi Hasan center in-charge; Azima Khatun as computer teacher; Shahinur Begum as computer teacher; and Momotaz Begum as 4<sup>th</sup> Grade staff and they have been serving for 18 months with salary Rs. 7,000/- - 10000/-, respectively. But, the accused has not paid any salary to the aforesaid person till now and he expressed his inability to provide any money and thereafter, left the Head Quarter situated at Ulubari and he has also issued two numbers of cheque, bearing No. 981911/981312 and 583951/583949, but the said cheques returned unpaid by the bank.

**4.** Mr. Alom, learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant, vide order dated 07.03.2024, and pursuant to the said order, the applicant had appeared before the IO and cooperating with the investigating agency and therefore, it is contended to make the interim order dated 07.03.2024, absolute in the same terms and conditions.

**5.** On the other hand, Mr. Gogoi, learned Additional Public Prosecutor submits that he has not received the case diary, but he has the instruction from the O.C. concerned that the I.O. has already completed investigation and laid Charge-Sheet against the applicant, vide Charge-Sheet No. 258/2023, dated 31.12.2023.

**6.** In view of the submission of learned counsel for both the parties, this Court is inclined to dispose of this anticipatory application by directing the applicant to appear before the learned court below on or before **24.05.2024**, and to apply for regular bail and in event of filing such an application, the learned Court below shall consider the same in accordance with law.

**7.** Till then, the interim order dated 07.03.2024, stands extended.

**Comparing Assistant**

**JUDGE**