

GAHC010046332024



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

Case No. : AB/584/2024

MOHIT
S/O BRAHMA MAND, R/O HOUSE NO. 264, VILL-DHANA KHURD MAJRA
DHANAKALAN, BLOCK NO. 2, NAIYON WALI GALI, TEHSIL-HANSI, P.O.-
DHANA KALAN, DIST-HISAR, HARYANA-125033

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. V N UPADHYAY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 27.03.2024

Heard Ms. P. Mishra, learned counsel for the petitioner. Also heard Mr. M.P. Goswami, learned Additional Public Prosecutor for the State.

2. This is the third bail application filed under **Section 438 Cr.P.C.**, praying for pre-arrest bail by the petitioner, namely, **Mohit**, who is apprehending arrest in connection with **Noonmati P.S. Case No. 343/2023**, registered under **Section 120(B)/419/420/468 IPC r/w Section 66/66D of I.T. Act.**

3. It is submitted by the learned counsel for the petitioner that the petitioner was neither present at the place of occurrence nor had any knowledge about the alleged offence. It is also submitted that the petitioner has never committed such offence as alleged in the FIR. The learned counsel for the petitioner further submits that the petitioner had received a notice under Section 41(A) Cr.P.C. issued by the investigating officer of the instant case as such, the petitioner apprehends that he might be arrested. Considering the background of the case and the nature of the offence, benefit of pre-arrest bail may be extended to the petitioner.

4. On the other hand, Mr. Goswami, learned Additional Public Prosecutor for the State has vehemently objected to the prayer of the accused/petitioner by stating that the petitioner is very much involved in the alleged offence and there is sufficient incriminating materials found against the petitioner. Considering the nature of offence, the prayer of the petitioner may not be considered at this stage.

5. I have considered the submissions made by the learned counsel for the parties. I have also perused the case diary.

6. It appears that there are sufficient incriminating materials in the case diary against the petitioner implicating him with the commission of the alleged

offence as stated in the FIR. The offence was committed in an organized manner as it appears from the materials in the case diary. Accordingly, this Court is of the view that this is not a fit case to grant the privilege of pre-arrest bail to the petitioner. Therefore, the prayer is **rejected**.

7. The pre-arrest bail application stands disposed of accordingly.
8. Return the case diary.

JUDGE

Comparing Assistant