

GAHC010049812024



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

Case No. : AB/631/2024

ANUPAM RABHA
S/O PREMANANDA RABHA, R/O VILL- BORGOG GAON, P.O.-HAHARA, P.S.-
SONAPUR, DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR S H SIKDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 11.03.2024

Heard Mr. S.H. Sikdar, learned counsel for the applicant. Also heard Ms. S. Jahan, learned Addl. Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Mushalpur P.S. Case No. 08/2024, under Section 406 of the IPC, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Anupam Rabha, for grant of pre-arrest

bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Rabjar Mushahary on 01.02.2024. The essence of allegation made in the FIR dated 01.02.2024, is that one Bidintha Boro asked the informant to purchase a Yamaha R15 motorcycle from Mushalpur Yamaha Dealer on 15.10.2023 and he paid the down payment amounting to Rs. 66,937/- and also paid Rs. 8,000/- being the EMI for the first month, and thereafter, he stopped making payment of EMI and also stopped picking up his phone.

4. Mr. Sikdar, learned counsel for the applicant submits that the applicant is innocent and no way involved with the offence alleged in the FIR, and that no offence under Section 406 of the IPC is made out from the perusal of the FIR and it relates to non-payment of the EMI, and that the applicant is ready to cooperate with the investigating agency and therefore, it is contended to allow the application.

5. On the other hand, Ms. S. Jahan, learned Addl. Public Prosecutor submits that at this stage, the case diary may be called for.

6. Having heard the submission of learned Advocates of both sides and considering the nature of accusation and punishment prescribed for the same, this Court is inclined to extend the privilege of pre-arrest bail to the applicant.

7. Accordingly, it is provided that in the event of arrest of the applicant in connection with Mushalpur P.S. Case No. 08/2024, under Section 406 of the IPC, 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., Mushalpur, Baksa without prior permission.

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

JUDGE

Comparing Assistant