

GAHC010050382024



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

Case No. : AB/674/2024

RAHUL HARICHANDRA PAWAR
S/O HARICHANDRA MARUTI PAWAR, P/R/O WASUMBE SANGLI,
VASUMBA, MAHARASHTRA-415309, P/R/A CL J. ALI ROAD, LAKHTOKIA,
P.S.-PANBAZAR, GUWAHATI-781001, DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR S RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 10.05.2024

Heard Mr., B. K. Mahajan, learned counsel for the petitioner. Also heard Mr. D. Das, learned APP for the State respondent.

This is an application under Section 438 of CrPC, 1973, for granting pre-arrest bail to the petitioner i.e. Rahul Harichandra Pawar, who are apprehending arrest in

connection with Gorchuk PS Case No. 56/2024 corresponding to G.R. No. 787/2024 registered under Section 365/392 of IPC arising out of FIR lodged by one Rupesh Vasanth Nangre on 12.02.2024.

The case of the prosecution is that while the informant was going to Paltan Bazar from ISBT, Betkuchi on 11.02.2024 at about 11:30 a.m., along with a bag containing pure gold on behalf of his employer, four numbers of unknown persons forcefully took him in a Scorpio vehicle and thereby took away the bag containing gold.

Accordingly an FIR has been registered.

Mr. B. K. Mahajan, learned counsel for the petitioner by drawing the attention of this court to the forwarding report and close to the Anticipatory Bail Application as Annexure- 4, submits that the four accused persons involved in the offence alleged has already been arrested.

He further submits that appears from the ground of arrest that three arrested accused persons have revealed that they along with one another who also subsequently arrested was involved in the offence alleged.

Mr. D. Das, learned APP for the State respondent on the other hand submits that upon the fourth accused being interrogated, it has come to light that he has sold the subject gold to the petitioner at Rs. 5,00,000/-.

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

It appears that investigation has substantially progressed and all the accused involved in the offence alleged have already been apprehended by the Investigating Officer.

It further appears that there are no incriminating materials as regards the

antecedent of the petitioner available in the case diary.

Considering the facts and circumstances of the case, this Court is of the considered view that custodial interrogation of the petitioner may not be necessary for the ongoing investigation.

Accordingly, it is provided that in the event of arrest, the petitioner named above, shall be released on pre-arrest bail in connection with the above noted case, on furnishing bail bond of Rs. 50,000/- with one surety of like amount to the satisfaction of the arresting authority, subject, of course, to the following conditions:-

- i) That the petitioner shall appear before the Investigating Officer within 10 days, failing which on and from the 11th day, the pre arrest bail order shall have no force;
- ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any Police Officer.
- 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 observations and directions, the Anticipatory Bail Application stands disposed of.

Return back the case diary.

JUDGE

Comparing Assistant