

GAHC010057212024



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

Case No. : AB/718/2024

NIKHIL DAS
S/O SRI BRITISH DAS
R/O KHATUWAL
P.S. SOOTEA
DIST. BISWANATH, ASSAM
PIN-784175

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. N K DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

03.05.2024

Heard Mr A S Ali, learned counsel for the petitioner, Nikhil Das.

2. The petitioner has filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as he is apprehending arrest in connection with Tezpur PS Case No. 38/2024, under Sections 420/406 of the IPC

3. Heard Mr B Sarma, learned Additional Public Prosecutor for the State of Assam.
4. The allegation against the petitioner is that he induced the informant to hand over his vehicle, so that the petitioner could use the vehicle, till the informant who was ailing at that time would recover from his ailment, and take back the vehicle. After recovery, the informant asked the petitioner to return the vehicle, but the petitioner verbally abused him.
5. I have considered the submissions at the Bar.
6. It is submitted on behalf of the petitioner that the informant had sold the vehicle to the petitioner and the petitioner had paid the installments as the vehicle was purchased on hire-purchase basis.
7. The learned Additional Public Prosecutor has submitted that the petitioner is on interim bail and he has appeared before the IO and he has cooperated with the investigation.
8. I have considered the submissions at the Bar with circumspection.
9. I have also considered the submission on behalf of the petitioner that the petitioner has appeared before the IO and has cooperated with the investigation. The petitioner would also submit the agreement executed between both the parties in connection with this case to the IO.
10. As the petitioner has not violated any bail conditions, the interim order dated 18.03.2024, is hereby made absolute.
11. Bail Application stands disposed of.

12. Send back the Case Diary.

JUDGE

Comparing Assistant