

GAHC010063602024



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

Case No. : AB/818/2024

KANGKAN DAS
S/O BHABEN DAS, R/O DHULIRGURI, BAKSA, ASSAM, PIN-781377

VERSUS

STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR A DEKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 08.05.2024

Heard Mr. S. Deori, learned counsel for the applicant. Also heard Mr. B.B. Gogoi, learned Addl. Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Mushalpur P.S. Case No. 08/2024, under Sections 406/120B/420 of the IPC, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Kangkan Das, 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 had asked the informant to purchase one 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 a sum of Rs. 8000/- being the EMI for the first month, but thereafter, he stopped making payment of the EMI and also stopped picking up his phone calls.

4. Mr. Deori, learned counsel for the applicant submits that the applicant is innocent and no way involved with the offence alleged in the FIR and that one of the co-accused has already been granted the privilege of pre-arrest bail by this Court, vide order dated 11.03.2024, in AB No. 631/2024, and that the present applicant also stands in the same footing and is ready to co-operate with the investigating agency, and therefore, it is contended to allow the application.

5. On the other hand, Mr. B.B. Gogoi, the learned Addl. Public Prosecutor submits that he has not received the case diary as in the meantime, investigation has been completed and charge-sheet No. 21/2024, dated 31.03.2024 has been submitted against the present applicant.

6. In view of the submission of learned Advocates of both sides, this Court is inclined to dispose of this 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 the event of such an application, the learned Court below shall consider the same in accordance with law.

7. Till appearance of the applicant before the learned Court below on

24.05.2024, this Court is inclined to extend the privilege of interim pre-arrest bail to the applicant. Accordingly, it is provided that in the event of arrest of the applicant in connection with Mushalpur P.S. Case No. 08/2024, under Sections 406/120B/420 of the IPC, he shall be released on interim 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 appear before the learned Court below on or before 24.05.2024;
- (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