

GAHC010067132024



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

Case No. : AB/864/2024

ANAL JYOTI DAS
S/O SHRI BINAY KUMAR DAS, R/O M.I.G. BUILDING NO. 1, FLAT NO.1,
A.S.H.B., KRISHNANAGAR, CHANDMARI, P.O.-SILPUKHURI, P.S.-
CHANDMARI, GUWAHATI, DIST- KAMRUP (M), ASSAM, PIN-781003

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. P D NAIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

10.05.2024

Heard Mr. P.D. Nair, learned counsel for the applicant and Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State respondent.

2. This application, under Section 438 Cr.P.C. is preferred by the applicant namely, **Shri Anal Jyoti Das**, who has been apprehending arrest in connection with **Dibrugarh P.S. Case No. 936/2016**, under Sections 7/13(1) (a)(b)(d)(2) of the P.C. Act, read with Sections 120(B)/ 420 of the IPC and added Sections 463/468/ 471/ 477(A)/ 201 of the IPC, for grant of pre-arrest

bail.

3. It is to be noted that the aforementioned case has been registered on the basis of an FIR lodged by Dr. Angshumita Gogoi on 27.10.2016. The essence of allegation made in the aforesaid FIR is that one Sri Nabakanta Patir of Dibrugarh contacted the informant and asked her to pay a sum of Rs. 10,00,000/- for the purpose of recruiting her to the post of Dental Surgeon to be conducted by the APSC. When the informant along with her friend, Sri Arup Borkotoky came to his residence at Dibrugarh, the police of Dibrugarh Police Station apprehended Sri Nabakant Patir at his residential premises located at Circuit House Road, near (Damanis Nursing Home) when he was receiving the demanded money.

4. Mr. Nair, learned counsel for the applicant submits that the applicant is innocent and no way involved with the offence alleged in the FIR and that he has received notice under Section 41A of the Cr.P.C. from the I.O. concerned and he has appeared before the I.O. and his statement has also been recorded. Mr. Nair further submits that some of the co-accused have already been granted pre-arrest bail by this Court, vide order dated 16.02.2024, in AB No. 68/2024 and vide order dated 20.02.2024, in AB No. 4162/2023 and that the present applicant is also stands in the same footing with the applicants of those applications. Mr. Nair also submits that he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, by producing the Case Diary before this Court, Mr. Gogoi, learned Additional Public Prosecutor submits that further investigation of the case is still going on. However, Mr. Gogoi submits that pursuant to the notice issued by the I.O., under Section 41A of the Cr.P.C., the applicant has appeared before the I.O. and his statement has also been recorded.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary produced before this Court, with the assistance of learned Additional Public Prosecutor.

7. The case diary indicates that pursuant to the notice issued by the I.O., under Section 41A of the Cr.P.C., the applicant has appeared before the I.O. and his statement has also been recorded and he has been cooperating with the investigating agency. Further, it appears that some of the co-accused have already been granted the pre-arrest bail by this Court, vide order dated 16.02.2024, in AB No. 68/2024 and vide order dated 20.02.2024, in AB No. 4162/2023.

8. In view of above and considering the nature of accusation as well as the punishment prescribed for the same and also considering the submissions of learned counsel of both sides, this Court is of the view that further custodial interrogation of the applicant may not be required, in the interest of investigation.

9. Accordingly, it is provided that in the event of arrest of the applicant, in connection with **Dibrugarh P.S. Case No. 936/2016**, under Sections 7/13(1)(a)(b)(d)(2) of the P.C. Act, read with Sections 120(B)/ 420 of the IPC and added Sections 463/468/ 471/ 477(A)/ 201 of the IPC, they shall be enlarged on pre-arrest bail, on their executing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the arresting authority.

10. The above privilege is, however, subject to the following conditions:

(i) that the applicant shall make himself available for interrogation by the Investigating Officer as and when required;

(ii) that 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) that the applicant shall not leave the jurisdiction of the learned **Special Judge, Guwahati, Assam**, without prior permission.

11. In terms of this AB stands disposed of.

12. The case diary be returned.

Comparing Assistant

JUDGE