

GAHC010067332024



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

Case No. : AB/853/2024

MRINAL BARMAN
S/O SRI PARESH BARMAN
R/O VILL- SATPUKURIA
P.O. SATPUKURIA, P.S. FALAKATA
DIST. ALIPURDUAR, WEST BENGAL.

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. K BORUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 03.04.2024

- 1.** Heard Mr. M. Alam, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State.
- 2.** This application under Section 438 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, *Mrinal Barman*, who is apprehending his arrest in connection with Mushalpur P.S. Case No. 25/2024 under Section 420 of

the Indian Penal Code.

3. The gist of accusation in this case is that one Rupali Bala Ray WPC/96 of A.P.B. Head Quarter, Chraimari, Baksa had levelled certain allegations against one *Lance Naik* Niranjana Barman cheating the first informant after giving her promise to get married.

4. The learned counsel for the petitioner has submitted that the petitioner is nowhere connected with the offence alleged in the FIR and he is also not named in the FIR. However, he has received a notice under Section 41A of the Code of Criminal Procedure, 1973 issued by the Deputy Superintendent of Police, Baksa in connection with the case which was registered on the basis of the said FIR and in the said notice, the date for his appearance was mentioned as 22.03.2024. However, due to some personal difficulty, he could not appear before the Police in pursuance to the said notice under Section 41A of the Code of Criminal Procedure, 1973 and, therefore, he is apprehending that if he appears now he may be arrested.

5. Though, learned Additional Public Prosecutor has submitted that case diary may be called for.

6. Considering the submissions made by learned counsel for the petitioner, this anticipatory bail application is disposed of with a direction that the petitioner shall appear before the Investigating Officer of Mushalpur P.S. Case No. 25/2024 within a period of ten days from the date of this and shall cooperate in the investigation. If he does so, within the stipulated period of time, in the event of his arrest, in connection with Mushalpur P.S. Case No. 25/2024, the above named petitioner shall be allowed to go on bail of Rs.30,000/- (Rupees Thirty Thousand) with one surety of like amount subject to the satisfaction of the arresting authority, with following conditions:-

- i. That the petitioner shall cooperate in the investigation and shall appear before the Investigating Officer;
- ii. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any other persons who may be acquainted with the facts of the case so as to dissuade such persons from disclosing such facts before the Investigating Officer.

7. With the above observation, the bail application is hereby disposed of.

JUDGE

Comparing Assistant