

GAHC010068422024



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

Case No. : AB/872/2024

RAJU BARMAN
S/O LATE HARIPAD BARMAN, R/O VILL AND P.O.-KAMARDOICHA, P.S.-
SIMLA, DIST- BAKSA, ASSAM, PIN-781330

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M KALITA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 03.04.2024

Heard Mr. M. Kalita, learned counsel for the petitioner. Also heard Mr. B. Sharma, learned Additional Public Prosecutor appearing for the State of Assam.

This application under Section 438 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Shri Raju

Barman, who is apprehending his arrest in connection with Simla P.S. Case No. 13/2024 under Section 447/420 of the Indian Penal Code.

The gist of accusation in this case is that on 20.02.2024, one Mananjay Daimary had lodged an FIR(First Information Report) before the Officer-In-Charge of Simla Police Station, *inter-alia*, alleging that one Mr. Sarma Ramchiary and one Dulal Barman have illegally trespassed and visited his depot without his consent.

It is submitted by the learned counsel for the petitioner that no allegation against the present petitioner has been made in the FIR. However, merely because the address of the co-accused, namely, Mr. Dulal Barman has been shown as a tenant of the present petitioner, the police is harassing the present petitioner.

It is also submitted by the learned counsel for the petitioner that in the meanwhile, a coordinate bench of this court has already granted interim protection to the accused Mr. Dulal Barman, in AB Case No.724/2024, by order dated 18.03.2023.

The learned counsel for the petitioner has submitted that the petitioner shall cooperate in the investigation, if he is granted interim bail.

Learned Additional Public Prosecutor submits that perusal of the case diary would be necessary for considering the instant bail application. However, as it appears that no specific allegations has been made against the present petitioner, the above named petitioner is hereby directed to appear before the Investigating Officer of Simla P.S. Case No. 13/2024 within a period of 10 days from the date of this order and co-operate in the investigation. If he does so within the stipulated period of time, in the event of his arrest in connection with Simla P.S. Case No. 13/2024, the

above named petitioner shall be allowed to go on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the arresting authority, subject to the conditions that:-

(i) the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court; and

(ii) the petitioner shall co-operate in the investigation.

With the above observations, this anticipatory bail application is hereby disposed of.

JUDGE

Comparing Assistant