

GAHC010069042024



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

Case No. : AB/911/2024

MEGHRAJ KOTHARI
S/O LATE MANIK CHAND KOTHARI, VILL- KHARUPETIA, P.S.-
KHARUPETIA, DIST- DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. K N CHOUDHURY

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

24.06.2024

Heard Mr. P. Jain, learned counsel for the petitioner. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State respondent.

This application filed under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Jogighopa P.S. Case No.53/2024 under Section 392 of the Indian Penal Code.

The Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioner, Mr. Jain, that after obtaining the interim pre-arrest bail on 05.04.2024, the petitioner appeared before the I.O.; co-operated in the investigation of this case and recorded his statement under Section 161 of Cr.P.C.. Further it is submitted that the accused/petitioner is a *bona fide* purchaser and he purchased 52 bags of the areca nuts from one Ashadullah at Rs. 7,70,250/- (Rupees Seven lakhs seventy thousand two hundred fifty) only and paid the entire amount through NEFT/RTGS mode on 22.03.2024. Later, on 26.03.2024, the police arrived at the petitioner's resident and seized the said areca nuts from his godown stating that the said areca nuts were stolen one. Further, the learned counsel for the petitioner submits that the present petitioner is the *bona fide* purchaser and accordingly he prays for making the interim bail as absolute.

In this context, Mr. Sarma, learned Additional Public Prosecutor has submitted that from the Case Diary, it is seen that petitioner is the *bona fide*

purchaser of said areca nuts and the police has already seized the said areca nuts from his godown. It is also seen that the petitioner is co-operating with the IO in the investigation of this case, and accordingly raised no objections in the prayer made by the applicant.

After hearing the submissions of learned counsels for both sides and also considering the materials available in the Case Diary, as well as from the note of the IO, it is seen that the petitioner seems to be the *bona fide* purchaser of the aforesaid areca nuts from one Ashadullah and in that regard he also paid the entire amount through NEFT/RTGS. Thus, further considering the fact that the accused/petitioner has appeared before the IO and co-operated with the investigation of this case, I find it appropriate to extend the privilege of interim pre-arrest bail to the applicant, namely Sri Meghraj Kothari. Accordingly, the interim pre-arrest bail order, granted to the accused/petitioner vide order dated 05.04.2024, is hereby made absolute with a direction to the accused/petitioner to co-operate with the I.O. in further investigation of the case.

In terms of above, this anticipatory bail application stands disposed of.

The Case Diary be sent back.

JUDGE

Comparing Assistant