

GAHC010075322024



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

Case No. : AB/972/2024

NARENDER
S/O KARAN SINGH, R/O VILL- KUDURABARI, P.O.-DEKARGAON, DIST-
SONITPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR R BAISHYA

Advocate for the Respondent : PP, ASSAM

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
ORDER

31. 05. 2024

1. Heard Mr. TK Bhuya, learned counsel for the petitioner. Also heard Mr. MP Goswami, learned Additional Public Prosecutor, Assam.
2. By this application under Section 438 Cr.P.C., the petitioner, namely, Narender is seeking pre-arrest bail in connection with Tezpur PS case No. 996/2023 under Section 120(B)/406/468/471/420 IPC.
3. The allegation leveled in the FIR is that that the petitioner along with

another accused had submitted forged documents having fake seal and signature of the Additional Deputy Commissioner of Sonitpur, Tezpur and Executive Magistrate, Tezpur Sub-Division, Sonitpur, during the course of selection process as SSB constable and got selected for the posts.

4. Mr. MP Goswami, learned Additional Public Prosecutor, Assam has seriously objected to the prayer of bail on the ground that there are sufficient material to suggest that the petitioner has used fake documents for his benefit and therefore the petitioner is not entitled for benefit of privilege of pre-arrest bail.
5. Case diary as called for has been received.
6. From the case diary, it is seen those two persons have already been terminated from their service by an order dated 07.03.2024. The case diary further reveals that the investigating authority has already seized the alleged forged documents and also examined the persons, whose signatures were forged. From the case diary, it is also seen that investigating authority has almost completed the investigation inasmuch as the evidences are primarily documentary. Such evidence/ document had already been seized and sent for forensic examination and statement of such authorities has also been recorded.
7. Considering the matter in its entirety, this court is satisfied to grant the interim bail to the petitioners more particularly for the reason that custodial interrogation of the petitioner may not be necessary in the given facts of the present case. Accordingly, it is provided that in the event of arrest of the petitioner above named, in connection with the case aforementioned, he shall be released on bail on furnishing bail bond of

Rs.25,000/- with a suitable surety of the like amount, to the satisfaction of arresting authority. The pre-arrest bail is granted on the following conditions:

- I. The petitioner shall not leave the territorial jurisdiction of the aforesaid police station, without prior written permission from its officer-in-charge,
- II. The petitioner shall not hamper with the investigation, or tamper with the evidence of the case,
- III. The petitioner shall not involve in similar offence in future,
- IV. The petitioner 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,
- V. The petitioner shall appear before the Officer-in-charge, Tezpur PS within 10(ten) days from today,
- VI. The petitioner shall continue to appear before the Investigating Officer of the above mentioned case after every 10(ten) days from the date of first appearance till such time the attendance is dispensed with by the said investigating officer.

8. Bail application stands disposed of.

JUDGE

Comparing Assistant