

GAHC010082672024



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

**Case No. : AB/1067/2024**

ABHIMANU DAS @ RUP MADHURJYA DAS  
S/O SRI KAMALAKSHYA DAS  
CHAPAUDUNG, P.O. BONDA  
P.S. PRAGJYOTISHPUR  
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PP ASSAM

**Advocate for the Petitioner : MR C GOSWAMI**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE ROBIN PHUKAN**  
**ORDER**

**01.05.2024**

Heard Mr. M. Sarania, learned counsel for the applicant and Ms. N. Das, learned Additional Public Prosecutor for the State respondent.

**2.** Apprehending arrest in connection with the **Basistha P.S. Case No. 1784/2021**, under Sections 120(B)/406/420 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, **Abhimanyu Das** for grant of pre-arrest bail.

**3.** It is to be noted here that the said case has been registered on the basis of one F.I.R., lodged by one Devilal, on 24.09.2021. The essence of allegation made in the FIR is that one Abhimanyu Das and Ajit Bora, by executing an agreement with him taken a vehicle, bearing registration No. RJ-37-GA-7769 (Bharat Benz 3723R 10X2 BSIV3), belonging to his mother and thereafter, they failed to make payment of the advance amount and thereby, they have cheated him.

**4.** Mr. Sarania, learned counsel for the applicant submits that the case has been registered in the year 2021 and the I.O. got sufficient time for investigation of the case. Mr. Sarania further submits that the dispute between the parties appears to be civil in nature and that the applicant is suffering from some deceases and he is undergoing treatment. Mr. Sarania also submits that the applicant was also arrested in connection with another case and during that period also the I.O. got sufficient time to interrogate him, but the I.O. has failed to avail the same. Mr. Sarania also submits that applicant 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, Ms. Das, learned Additional Public Prosecutor submits that the I.O. has collected sufficient incriminating materials against the applicant and therefore, it is contended to dismiss the petition.

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

**7.** The case diary indicates that the I.O. has collected sufficient incriminating materials against the applicant. Further, it appears that the investigation of the case is still going on and that the applicant is a habitual offender and as such, the custodial interrogation of the applicant is warranted here in this case. It also appears that the applicant in the year 2021 had preferred another anticipatory bail application, being AB No. 4103/2021 and vide order dated 25.02.2022, this Court was pleased to dismiss the petition and this fact has been suppressed by the applicant in the present application.

**8.** Under the aforementioned facts and circumstances and having regard to nature and gravity of the offence, this Court is of the view that this is not a fit case where the privilege of pre-arrest bail can be extended to the applicant and therefore, the same is dismissed.

**9.** The case diary be returned.

**Comparing Assistant**

**JUDGE**