

GAHC010075632024



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

Case No. : AB/1108/2024

PRADIP CH. KALITA
S/O LT. ABHAI CH. KALITA
R/O BOTAHGHULI
SIVANAGAR
P.O. PANJABARI
P.S. SATGAON
DIST. KAMRUP (M)
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP
ASSAM

Advocate for : MR. P J SAIKIA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

18.06.2024

1. Heard Mr. P.J. Saikia, learned counsel for the petitioner. Also heard Mr.

B.B. Gogoi, learned Additional Public Prosecutor appearing for the State of Assam as well as Ms. R. Kalita, learned counsel appearing for the informant.

2. This application under Section 438 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Sri Pradip Ch. Kalita, who is apprehending his arrest in connection with Satgaon P.S. Case No. 65/2024 under Section 384/379/506 of the Indian Penal Code.

3. The gist of accusation in this case is that on 05.04.2024, one Sri Bulen Barman, had lodged an FIR (First Information Report) before the Officer-In-Charge of Satgaon Police Station, *inter-alia*, alleging that the petitioner through his wife had lodged a false case against the first informant, wherein, the allegation has been made that the first informant has given lustful signal to the wife of the petitioner.

4. It is also alleged that after lodging of the said case by the petitioner, he had demanded an amount of Rs. 1 lakh from the informant and has given various threatening to the informant.

5. It is in the long FIR filed by the first informant, it is also alleged that after some time the petitioner lowered his demand to Rs. 50,000/- which was paid by the first informant to the petitioner through some other person in front of DD Baruah College. The informant has also alleged that the present petitioner has also snatched away the mobile phones and other things from the informant and has harassed the first informant by various means.

6. On receipt of the said FIR, Satgaon P.S. Case No. 65/2024 was registered under Section 384/379/506 of the Indian Penal Code.

7. Learned counsel for the petitioner has also submitted that before filing the instant anticipatory bail application, when the police of Satgaon police station started harassing the present petitioner, he approached this Court and

filed an anticipatory bail application, which was registered as Anticipatory Bail Application No. 973/2024, wherein, he did not mention about any pending FIR against him, as he was not aware about such an FIR. However, in the said case, by order dated 22.04.2024, a co-ordinate bench of this Court, directed that no coercive action would be taken against the present petitioner till next date of hearing and the said interim protection was continued by various orders and is still in force.

8. It is submitted by the learned counsel for the petitioner that during the operation of the interim protection granted by a co-ordinate bench of this Court, by order dated 22.04.2024, passed in Anticipatory Bail Application Case No. 973/2024, the petitioner came to know about the pendency of Satgaon P.S. Case No. 65/2024 and accordingly, he filed the instant Anticipatory Bail Application and in the meanwhile, himself appeared before the Investigating Officer of Satgaon P.S. Case No. 65/2024 and co-operated in the investigation.

9. It is submitted by the learned counsel for the petitioner that the statement of the petitioner has also been recorded by the Investigating Officer of the said P.S. and has been co-operating in the investigation and therefore, he has prayed for allowing the Anticipatory Bail Application of the present petitioner.

10. On the other hand, learned Additional Public Prosecutor has produced the case diary of Satgaon P.S. Case No. 65/2024 and has submitted that from the case diary it appears that the statement of the present petitioner has already been recorded under Section 161 of the Code of Criminal Procedure, 1973.

11. Learned counsel for the informant by filing an objection, by way of an affidavit submitted by the informant, has opposed the grant of Anticipatory Bail

to the present petitioner. In the objection filed by the informant, he has reiterated the allegations of harassment of the informant by the present petitioner, which he had mentioned in his FIR dated 04.05.2024.

12. I have considered the submissions made by the leaned counsel for the parties as well as the perused the materials available on record, including the written objection filed by the informant as well as the case diary of Satgaon P.S. Case No. 65/2024. It appears that the present petitioner is under the interim protection granted to him, by order dated 22.04.2024 passed in A.B. Case No. 973/2024 and it also appears that he had himself appeared before the Investigating Officer of Satgaon P.S. Case No. 65/2024, and has co-operated in the said investigation. Apart from the written objection filed by the informant, there is no material on record to suggest that the petitioner has misused the liberty granted to him by a co-ordinate bench of this Court.

13. Under the aforesaid circumstances, this Court is of considered opinion that if the petitioner continues to co-operate in investigation, his custodial detention may not be necessary for completion of fair investigation of Satgaon P.S. Case No. 65/2024.

14. In view of above, it is hereby directed that in the event of arrest of the petitioner, in Satgaon P.S. Case No. 65/2024, he shall be allowed to go on interim bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the arresting authority with following conditions that:-

- (i)** the petitioner shall co-operate in the investigation; and
- (ii)** 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.

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

16. Send back the case diary.

JUDGE

Comparing Assistant