

GAHC010094352024



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

Case No. : AB/1262/2024

PRONEN HAFLONGBAR
S/O LT. SOTHANG HAFLONGBAR
R/O VILL- KALACHAND
P.S. MAIBANG
DIST. DIMA HASAO, ASSAM

VERSUS

THE CENTRAL BUREAU OF INVESTIGATION (CBI)
REPRESENTED BY THE LEARNED STANDING COUNSEL, CBI

Advocate for the Petitioner : MS. M KUMARI

Advocate for the Respondent : SC, CBI

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
O R D E R

29. 05. 2024

Heard Ms. M Kumari, learned counsel for the petitioner. Also heard Mr. M Haloi, learned Special Public Prosecutor for the respondent CBI.

Apprehending arrest in connection with Diyungmukh PS case No. 03/2016

under Section 365/506/34 IPC, this application under Section 438 Cr.P.C. is preferred by the applicant, namely, Pronen Haflongbar for grant of pre-arrest bail.

The ground of apprehension of the petitioner is a notice under Section 41A Cr.P.C. issued on 03.04.2024 by the Inspector, CBI, ACB, Shillong. However, the fact remains that pursuant to the aforesaid notice under Section 41A, the petitioner had appeared before the I/O. The I/O recorded statement of the petitioner and also collected voice sample of the petitioner.

The learned counsel for the petitioner still apprehends that the petitioner may be arrested for the reason that a condition was put in the notice under Section 41A that the petitioner will be arrested, if he involves himself in any manner, in destruction of any evidence relevant to purpose of investigation / trial of the case.

In the opinion of this court, such condition is an essential condition inasmuch as even in the event this court allows the bail application, this court will impose such a condition. Therefore, imposition of such a condition cannot be a ground for apprehension of arrest inasmuch as on the basis of notice the petitioner had duly participated in the investigation and his statement has also been recorded. The learned Public Prosecutor, CBI has also made a submission that for now there cannot be any apprehension of arrest subject to the condition that the petitioner co-operate with the investigation. Therefore, at this stage there cannot be any apprehension of the petitioner to get arrested by the CBI until and unless the petitioner involves himself in action to hamper or temper with the evidences or to destruct material evidences.

Considering the above, this court is of the view that no further order

needs to be passed in this case. However, it is made clear that if any cause of action arises, the petitioner shall be at liberty to approach this court once again.

Accordingly, this application stands closed.

JUDGE

Comparing Assistant