

GAHC010095632024



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

Case No. : AB/1240/2024

BORNIL BURAGOHAIN
S/O LATE SUBHASH BURAGOHAIN
R/O SANTIPUR SONARI TOWN, P.O SONARI,
P.S. SONARI, DIST. CHARAIDEO, ASSAM, PIN-785690

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M K DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

15.07.2024

Heard Mr M K Das, learned counsel for the petitioner and Mr B B Gogoi, learned Additional Public Prosecutor for the State respondent.

2. This is an application under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail of the accused/petitioner, Sri Bornil Buragohain, who is apprehending arrest in connection with Sonari P.S. Case No. 54/2024, under Sections

467/468/ 471/472 of the Indian Penal Code.

3. It is submitted by Mr Das, learned counsel for the petitioner, that he had already filed a case before the Dispur Police Station on 24.04.2024 intimating regarding forging the signature of the DFO which was lodged much prior to the lodging of the present F.I.R., i.e. on 06.05.2024, and he is not aware as to whether the said F.I.R. has been registered or not. He further submitted that in the F.I.R. lodged by him, he intimated the police authority about the forging of signature of the earlier DFO by one Partha Gogoi and he also recorded the telephonic conversation with the said Partha Gogoi, where he admitted that he engaged some brokers to obtain the signature in spite of his repeated request not to file the bills with the forged signatures. He further submitted that after filing of the bill only, the present F.I.R. has been subsequently lodged on 06.05.2024 with the allegation of forging signature of earlier DFO while submitting the bills. Accordingly, he prayed for granting interim protection to the present accused/petitioner so that he can appear before the I.O. and can bring the factual position of the entire matter.

4. In this context, Mr Gogoi, learned Additional Public Prosecutor, has submitted that the present petitioner had already submitted the bills after completion of work being part payment and after verification only, it has come to knowledge that the signatures of the earlier DFO were forged while submitting the bills and accordingly, he insisted to call for the Case Diary to know the actual fact of the case.

5. A coordinate Bench of this Court, after considering the submissions has granted interim pre-arrest bail to the petitioner. The petitioner has already appeared before the IO and has cooperated with the investigation. The petitioner's statement has also been recorded.
6. I have considered the submissions at the Bar.
7. I have also perused the Case Diary.
8. The petitioner has not violated the bail conditions.
9. In view of my foregoing discussions, the interim pre-arrest bail order dated 15.05.2024, is hereby made absolute.
10. Anticipatory Bail Application stands disposed of.
11. Send back the Case Diary.

JUDGE

Comparing Assistant