

GAHC010096802024



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

Case No. : AB/1248/2024

POOJA SARDA
W/O SRI YOGESH SARDA
R/O . NO. 21,
BYE-LANE NO. 9,
LACHIT NAGAR, GUWAHATI,
SUB-DIVISION- GUWAHATI, P.S. PALTAN BAZAR, P.O. LACHIT NAGAR,
PIN-781003, DIST. KAMRUP (M), STATE- ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE LD. PP, ASSAM

2:THE STATE OF MIZORAM
REPRESENTED BY LD. PP
MIZORAM

3:OFFICER-IN-CHARGE

CRIME AND ECONOMIC OFFENCES P.S. AIZAWL
MIZORAM

4:OFFICER-IN-CHARGE

AIZAWL POLICE STATION

AIZAWL
MIZORAM

Advocate for the Petitioner : MR V JAMMAR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 15.05.2024

Heard Mr. V. Jammam, learned counsel for the petitioner. Also heard Ms. P. Bhattacharjee, learned Public Prosecutor for the State of Mizoram and Mr. M. P. Goswami, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of transit anticipatory bail in connection with Aizawl P.S. Case No. 96/2024, registered under Sections 408/467/468/34 of the Indian Penal Code.

It is submitted by Mr. Jammam, learned counsel for the petitioner, that the present petitioner is innocent and she is not at all involved in the alleged offence. But the police personnel from Aizawl has already searched in their residence and the husband of the petitioner has already been arrested in connection with this case, though no incriminating documents were recovered from their house. However, she received a notice under Section 41A Cr.P.C. from the Aizawl Police to appear before the I.O. of the case on 16.05.2024 at 10.00 a.m. and hence, the present petitioner is apprehending arrest in connection with this case and accordingly, the present anticipatory bail application has been filed seeking transit anticipatory bail. However, she is ready to appear before the I.O. in pursuant to the notice received by her under Section 41A Cr.P.C. Further, the

learned counsel for the petitioner has submitted that as there is none to look after her old ailing mother as well as her mother-in-law after the arrest of her husband, the present petitioner may be granted with some interim protection so that she can appear before the Aizawl Police and can co-operate with the I.O. in connection with the investigation of this case.

In support of his submission, learned counsel for the petitioner further relied on following decisions:

- (i) **Subham Kar Chaudhuri Vs. State of Goa [2021 SCC OnLine Bom 291]**
- (ii) **Nikita Jacob Vs. The State of Maharashtra [Anticipatory Bail Application No. 441/2021, dated 17.02.2021]**
- (iii) **Priya Mukharjee Vs. State of Karnataka [Criminal Petition No. 6956/2020, dated 25.11.2020]**
- (iv) **Priya Indoria Vs. State of Karnataka [2023 SCC OnLine SC 1484]**

Accordingly, the learned counsel for the petitioner has submitted that till she appears before the I.O. or the competent Court at Aizawl, the present petitioner may be granted with interim protection in the form of transit anticipatory bail. In this context, she has already booked flight ticket for Aizawl and she is going to appear before the I.O. tomorrow, i.e. on 16.05.2024. However, to prepare and file an appropriate bail before the competent Court, she needs at least 2 (two) weeks time and hence, vide the present petition, she

prayed for transit anticipatory bail for 2 (two) weeks.

In this context, Ms. P. Bhattacharjee, learned Public Prosecutor, Mizoram, has submitted that in the case of **Priya Indoria Vs. State of Karnataka**, the Supreme Court had laid down some guideline under which the transit anticipatory bail application can be entertained. However, in the present case, the petitioner could not bring any satisfactory ground for her transit anticipatory bail. Accordingly, the learned Public Prosecutor, Mizoram raised objection and submitted that it is not a fit case wherein the transit anticipatory bail can be granted to the present accused/petitioner.

After hearing the submissions made by the learned counsels for both sides and also considering all aspects of the case and further considering the fact that the present accused/ petitioner has already booked her flight ticket to visit Aizawl and to appear before the I.O. complying the notice under Section 41A Cr.P.C., I find it a fit case to extend the privilege of transit anticipatory bail to the present accused/petitioner for 1 (one) week.

Accordingly, it is provided that in the event of arrest of the accused/petitioner, namely, Smt Pooja Sarada, in connection with Aizawl P.S. Case No. 96/2024, under Sections 408/467/468/34 of the Indian Penal Code, she shall be enlarged on pre-arrest bail on her furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the arresting authority. However, the protection is granted for a period of 1 (one) week from today and within that period, the petitioner may approach the appropriate jurisdictional Court with an appropriate application for

bail/anticipatory bail.

In terms of above, this anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant