

GAHC010107052024



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

Case No. : AB/1408/2024

DIPAK DASGUPTA
S/O LATE GOPIKA RANJAN DASGUPTA, R/O HOUSE NO. 19, UDAYNAGAR,
WARD NO. 28, SMB, TARAPUR, SILCHAR, P.O. AND P.S.-SILCHAR, DIST-
CACHAR, ASSAM, PIN-788003

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR J DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 14-06-2024

Heard Mr J Das, learned counsel for the petitioner, Shri Dipak Dasgupta, who has filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as he is apprehending arrest in connection with Silchar PS Case No.

373/2024, corresponding to GR Case No. 827/2024, under Sections 120(B)/420/401/413/468/471 of the Indian Penal Code, 1860,

3. Heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam/respondent.

4. The FIR unfolds that on 02.05.2024, at about 03:00 am, on a tip off, the investigation team led by the complainant recovered a vehicle bearing Registration No. AS-10-G-0474, which was under the possession of the accused named in the FIR and allegedly this vehicle was procured through dubious means. During interrogation, the accused named in the FIR disclosed that the vehicle was procured by them in order to sell the same at Nagaland. It was also unearthed during investigation that the accused named in the FIR in connivance with the accomplices used to purchase luxurious goods and used to take vehicles in names of various persons by preparing forged documents after procuring loan from a private finance company. Thereafter, after paying 2 or 3 installments, the accused named in the FIR used to sell the vehicles at Nagaland and thereafter, fraudulently they used to claim the insurance money of the vehicles. Notices were issued against the petitioner by the IO, under Section 160 CrPC and Section 41(A) CrPC, in connection with this case. The petitioner appeared before the IO and his statement was recorded. Now, the Police is

again searching for the petitioner and he is apprehending arrest.

5. I have perused the Case Diary.

6. I have considered the submissions at the Bar with circumspection.

7. The merits of this case are not brought to the fore, as this case is still under investigation.

8. I have considered the progress of investigation.

9. The petitioner has pledged to cooperate with the remaining part of investigation. The petitioner is willing to abide by any stringent conditions, if imposed upon him.

10. It appears that anticipatory bail can be granted to the petitioner.

11. Considering all aspects and in view of my foregoing discussions, petition is allowed. In the event of his arrest, the petitioner shall be enlarged on bail of Rs. 50,000/-, with a suitable surety of the like amount to the satisfaction of the arresting authority, under the conditions that:-

- i) the petitioner shall appear before the IO within 10 (ten) days from today and cooperate with the investigation,
- ii) the petitioner shall refrain from such activities with which he is alleged,

- iii) the petitioner shall not exercise threats to the witnesses, and
- iii) the petitioner shall not leave the jurisdiction of the Court, without prior permission, till completion of investigation.

On breach of any of the bail conditions, the bail order shall stand cancelled.

12. In terms of the above observations, the Anticipatory Bail Application stands disposed of.

13. Send back the Case Diary.

JUDGE

Comparing Assistant