

GAHC010112372024



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

Case No. : AB/1484/2024

TUTUMANI NATH @ POLTU
S/O SRI JUREN CHANDRA, VILL- CHILYAPARA PT-I, P.S.-ABHAYAPURI,
DIST-BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M I HUSSAIN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

25.06.2024

Heard Mr. M. I. Hussain, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State respondent.

This application filed under Section 438 of the Code of Criminal Procedure, 1973, praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Manikpur P.S Case No. 74/2024 under Section 420 of IPC *read with* Sections 13/14 of the Assam Game and Betting Act, 1970.

The Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioner, Mr. Hussain, that the present accused/petitioner is no way connected in the alleged offence and he is not the First Information Report(FIR) named accused nor anything has been recovered from his possession. Further, he submits that petitioner is ready and willing to co-operate the IO in further investigation of the case, if he is granted the privilege of pre-arrest bail.

In this context, Mr. Baruah, learned Additional Public Prosecutor has submitted that from the Case Diary, it is seen that one co-accused namely Uttam Das has already been arrested in connection with this case and as per the said co-accused, the present petitioner was also associated in the alleged offence. Accordingly, at this stage he raised objection in granting the privilege of pre-arrest bail to the accused/petitioner.

After hearing the submissions of learned counsels for both sides and also considering the nature of offence as well as the materials in the Case Diary, I find that custodial interrogation of the present accused/petitioner is not necessary in this case and therefore, I find it a fit case to grant the privilege of pre-arrest bail to the

accused/petitioner.

Accordingly, it is provided that in the event of arrest of the accused/petitioner, namely, Tutumani Nath @ Poltu, in connection with Manikpur P.S Case No. 74/2024 under Section 420 of IPC *read with* Sections 13/14 of the Assam Game and Betting Act, 1970, he shall be enlarged on pre-arrest bail on his executing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer within 7(seven) days.
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- (iii) that the petitioner shall not leave the jurisdiction of the concerned jurisdictional Magistrate, without prior permission.

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

Case Diary be returned.

JUDGE

Comparing Assistant