

GAHC010120882024



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

Case No. : AB/1567/2024

PARAG CHOUDHURY @ PARAG JYOTI CHOUDURY
S/O SRI NAGEN CHOUDHURY
R/O VILL- SANEKUCHI
P.O. SANEKUCHI
P.S. GHOGRAPAR
DIST. NALBARI, ASSAM
PIN-781350

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. N HASAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

24.06.2024

1. Heard Mr. N. Hasan, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor appearing for the State of

Assam.

2. This application under Section 438 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Parag Choudhury @ Parag Jyoti Choudhury, who is apprehending his arrest in connection with Hatigaon P.S. Case No. 94/2024.

3. The gist of accusation in this case is that on 14.05.2024, the victim girl in this case had lodged an FIR before the Officer-In-Charge of Hatigaon Police Station, *inter alia*, alleging that in the month of November, 2021 she got acquainted with the present petitioner, who identified himself as a leader of RSS, VHP, Bajrang Dal, etc. and close to the officials.

4. It is alleged in the FIR that since the date of her acquaintance with the present petitioner till November 2023, the petitioner took an amount of Rs. 18,31,000/- from the informant on various pretext.

5. It is also alleged in the FIR that the petitioner has offered inappropriate proposals to the victim girl and had touched her inappropriately in his office. However, thereafter, the victim girl again went to his office to give the money back from the present petitioner, who gave the informant, a cheque of Rs. 3,00,000/-. The said cheque was dishonoured by the bank on presentation due to insufficient funds.

6. It is alleged in the FIR that the petitioner had mentally, financially and physically harassed the victim girl.

7. Learned counsel for the petitioner has submitted that before approaching this Court, the petitioner had moved an Anticipatory Bail Application before the Court of learned Additional Sessions Judge (FTC) No. 4 Kamrup(M), Guwahati wherein, he got an order for interim bail. After getting the interim protection, the petitioner appeared before the Investigating Officer,

however, later on, the interim Anticipatory Bail was vacated by the said Court.

8. Learned counsel for the petitioner has submitted that the allegation made against him in the FIR by the victim girl is not true and he has already appeared before the Investigating Officer on four occasions and have co-operated in the investigation. However, he apprehends that he may be arrested in this case. Hence, he has prayed for grant of Anticipatory Bail.

9. On the other hand, learned Additional Public Prosecutor has produced the case diary of Hatigaon P.S. Case No. 94/2024 and has submitted that the Investigating Officer has already recorded the statement of the petitioner, as well as other witnesses, including the victim girl.

10. Considering the fact that the petitioner has co-operated in the investigation and also considering the fact that the statement of the petitioner has already been recorded under section 161 of the Code of Criminal Procedure, 1973. The statement of victim girl and other witnesses have also been recorded by the Investigating Officer.

11. Hence, in the considered opinion of this Court, if the petitioner continues to co-operate in the investigation, his custodial detention may not be necessary for completion of the investigation of Hatigaon P.S. Case No. 94/2024.

12. In view of above, in the event of arrest of the above-named petitioner, in connection with Hatigaon P.S. Case No. 94/2024, he shall be allowed to go on interim bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the arresting authority, subject to the conditions that:-

- (i) the petitioner shall co-operate in the investigation; and
- (ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other

persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court.

13. Send back the case diary.

14. With the above observations, this bail application is hereby disposed of.

JUDGE

Comparing Assistant