

GAHC010129892024



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

Case No. : AB/1704/2024

DHAN KUMAR DEKA
S/O DEBENDRA NATH DEKA, R/O CHACHAL CHANDAN NAGAR, TRIBENI
PATH, VIP SIX MILE, P.O.-SIX MILE, P.S.-DISPUR, PIN-781022, DIST-KAMRUP
(M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A M BORA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 28.06.2024

- 1.** Heard Mr. A. M. Bora, learned senior counsel, assisted by Mr. B. A. Choudhury, learned counsel for the petitioner. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor for the State respondent.
- 2.** This application has been preferred under Section 438 of Code of

Criminal Procedure, 1973, by the petitioner, namely, Dhan Kumar Deka, who is apprehending his arrest in connection with Paltan Bazar P. S. Case No. 216/2024 registered under Section 406/420 of the Indian Penal Code.

3. The gist of the accusation in this case is that on 17.04.2024 one Md. Atiqur Rahman had lodged an FIR before the Officer-In-Charge of Paltan Bazar Police Station, *inter-alia*, alleging that the one Shankar Sharma introducing himself to be a member of Union Gudam Group of Railway took about Rs.3,00,000/-on an assurance of giving the informant a job as "Sardar" post in railway.

4. It is also alleged in the FIR that an another candidate has also paid an approximately Rs.8,00,000/-to the said person. However, no job as assured was offered to the informant and therefore, the FIR was lodged.

5. Learned senior counsel for the petitioner has submitted that the petitioner is in no way involved in the offense alleged in the FIR, neither his name figures in the FIR. However, as he is the In-Charge of the Mall Godam Shramik Sangh. The police is also searching for him in connection with this case.

6. Learned senior counsel for the petitioner has submitted that the petitioner is ready to cooperate in the investigation.

7. I have considered the submissions made by the learned counsel for both the sides and have perused the materials available on record including the documents annexed along with the anticipatory bail application.

8. It appears on a bare perusal of the FIR, which shows that allegations were levelled against one Shankar Sharma and nothing has been mentioned therein against the present petitioner. Moreover, in view of the submission made by the learned senior counsel for the petitioner as discussed herein above, this Court is of considered opinion that custodial detention of the above named

petitioner may not be necessary for fair completion of investigation of Paltan Bazar P. S. Case No. 216/2024, if he cooperates in the investigation.

1. In view of the above, the above-named petitioner, is hereby directed to appear before the Investigating Officer of Paltan Bazar P. S. Case No. 216/2024 within a period of 10 days from the date of this order and co-operate with the Investigating Officer in fair completion of investigation. If he does so within the said period, in the event of his arrest in connection with Paltan Bazar P. S. Case No. 216/2024, he shall be allowed to go on interim bail of Rs.30,000/- (Rupees Thirty 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 co-operate in the investigation.

ii. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case, so as to dissuade such person from disclosing such facts of the case before the Investigating Officer.

9. With the above observation, this anticipatory bail application is disposed of.

JUDGE

Comparing Assistant