

GAHC010138202024



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

Case No. : AB/1791/2024

DHIMANSHU SAIKIA
S/O-LATE SARAT CH. SAIKIA,
R/O- VILLAGE PUB NABAPUR,
P.O,P.S AND DIST- BISWANATH, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR PARAM HANGKHA KONWAR, MS. P BORAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 31.07.2024

Heard Ms. P. Borah, learned counsel for the petitioner and Mr. B. Sarma, learned Addl. Public Prosecutor, Assam, appearing on behalf of the State respondent.

This is an application under Section 482 of the BNSS, 2023, seeking pre-arrest bail by the petitioner namely **Sri Dhimanshu Saikia** in connection Sonari P.S. Case No. 54/2024 under Sections 467/ 468/ 471/ 472 of IPC.

C.D. received and perused.

Heard both sides.

It is submitted by Mr. Borah, the learned counsel for the petitioner that the petitioner is on interim bail granted by this Court vide order dated 12.07.2024 and he is innocent and he is in no way involved with the alleged offence. The petitioner has not committed the offence of forgery of signature of the DFO and at the relevant time he was working as Forest Range Officer at Sonari Forest Range and now he is posted at Doomdooma. She submits that a false and concocted case has been lodged against the present petitioner. The prime accused namely Bornil Buragohain against whom the forgery of signature of DFO was leveled and bill was prepared in favour of him, got the order of pre-arrest bail granted by this Court and the petitioner may also be granted with the benefit of pre-arrest bail on the ground of parity. However, the petitioner is ready and willing to co-operate with the investigation, if he is granted the privilege of pre-arrest bail by this Court.

Mr. Sarma, learned Addl. PP has submitted that from the materials available in the case diary and it is seen that the bill was passed in favour of the co-accused, who was granted pre-arrest bail and the present petitioner was discharging his duty as Range Officer at the relevant point of time. Being the Range Officer, he also signed on the bill but, at that time, while putting his signature the signature of DFO was not available. After his signature, the DFO put his signature which is alleged to have been forged. He however, submitted that the petitioner may cooperate with the I.O. and his prayer for pre-arrest bail may be considered.

Considering the submissions of the learned counsel for the parties and considering the materials available in the case diary, I am of the view that the custodial interrogation of the present petitioner may not be necessary in this case and hence, considering the entire aspects of the matter, the prayer for pre-arrest bail is considered with a direction to the petitioner to appear before the I.O. and cooperate with the investigation as and when required.

Accordingly, interim pre-arrest bail granted to the petitioner vide order dated 12.07.2024 is hereby made absolute with the same terms and conditions contained in the

interim order itself.

Bail petition is accordingly disposed of.

Send back the case diary.

JUDGE

Comparing Assistant