

GAHC010138272024



2024:GAU-AS:11827

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

Case No. : AB/1786/2024

DINESH SONI AND 3 ORS.
S/O LATE MOHAN LAL SONI, R/O SWASTIK ENCLAVE, PATHORKUCHI
ROAD, BASISTHA, GUWAHATI, P.O.-BASISTHA, P.S.-BASISTHA, DIST-
KAMRUP (M), ASSAM, PIN-781029

2: SMTI SANJU SONI
W/O SRI DINESH SONI
R/O SWASTIK ENCLAVE
PATHORKUCHI ROAD
BASISTHA
GUWAHATI
P.O.-BASISTHA
P.S.-BASISTHA
DIST-KAMRUP (M)
ASSAM
PIN-781029

3: NISHAN SONI
S/O SRI DINESH SONI
R/O SWASTIK ENCLAVE
PATHORKUCHI ROAD
BASISTHA
GUWAHATI
P.O.-BASISTHA
P.S.-BASISTHA
DIST-KAMRUP (M)
ASSAM
PIN-781029

4: SIMRAN SONI
D/O SRI DINESH SONI
R/O SWASTIK ENCLAVE
PATHORKUCHI ROAD
BASISTHA

GUWAHATI
P.O.-BASISTHA
P.S.-BASISTHA
DIST-KAMRUP (M)
ASSAM
PIN-78102

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. T DEURI, MS A DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

28/11/2024

Heard Mr. T Deuri, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State.

2. The petitioners, namely, **(1) Sri Dinesh Soni, (2) Smti. Sanju Soni, (3) Sri Nishan Soni** and **(4) Sri Simran Soni** have filed this application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail apprehending their arrest in **Basistha P.S. Case No. 306/2024** registered under Sections 120-B/493/354-B/354-C/506/507 IPC.

3. Pursuant to the order dated 18.11.2024, Sub-Inspector of Police, Sri Riki Das, the Investigating Officer of Basistha P.S. Case No. 306/2024, is personally present before the Court today.

4. Pursuant to the order dated 18.11.2024, Sri Riki Das, the Investigating Officer of Basistha P.S. Case No. 306/2024 has filed an affidavit on 25.11.2024 stating the reasons as to why the case diary as called for by the Court earlier could not be forwarded. In the said affidavit, Sri Riki Das, the concerned Investigating Officer stated that due to some communication gap, the learned Additional Public Prosecutor, Assam did not get the information at the right time about the subsequent

development in the case. Further, said Sri Riki Das, tendered unconditional apology before the Court for such unintentional lapse on his part in not furnishing the case diary within the time stating that under his jurisdiction, he shall comply with the orders of the Court in future and shall send the case diaries to the respective Courts as per the direction of the Court.

5. Considering the statements made by Sri Riki Das, the Investigating Officer of Basistha P.S. Case No. 306/2024 in his affidavit, his personal appearance in said Basistha P.S. Case No. 306/2024 stands dispensed with directing him to comply with the orders of the Court forthwith without fail.

6. With regard to the case in hand, Mr. B Sarma, learned Additional Public Prosecutor, Assam, on instruction submitted that police after completion of investigation of the case has already submitted charge-sheet in said Basistha P.S. Case No. 306/2024 vide Charge-Sheet No. 502/2024 dated 31.08.2024.

7. In view of the above, the petitioners are directed to approach the appropriate forum for their regular bail in said Basistha P.S. Case No. 306/2024 on or before **07.12.2024**.

8. Till then (i.e., **07.12.2024**), the petitioners, named above, shall remain on interim bail granted to them earlier on 15.07.2024 in said Basistha P.S. Case No. 306/2024.

9. With the above observation and direction, this pre-arrest bail application stands disposed of.

JUDGE

Comparing Assistant