

GAHC010144932024



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

Case No. : AB/1887/2024

ROSHAN KUMAR GUPTA @ ROSHAN GUPTA
S/O SRI DINA NATH PRASAD GUPTA, R/O NO. 1 DULIAJAN, P.O.-DULIAJAN,
P.S.-DULIAJAN, DIST- DIBRUGARH, ASSAM, PIN-786602

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A SARMA, MS G SWAMI, MR. LENTSO, MR. K KALITA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 24-09-2024

Heard Ms. G. Swami, learned counsel for the petitioner Sri Roshan Kumar Gupta @ Roshan Gupta and Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.

2. This is an application filed under Section 482(1) of BNSS, 2023 praying for

grant of pre-arrest bail to the accused/petitioner in connection with Duliajan P.S. Case No.70/2024 (corresponding to G.R. Case No.335/2024) under Sections 294A/420 of the Indian Penal Code, read with Sections 14/15 of Assam Gaming and Betting Act, 1970.

3. It is submitted by the learned counsel for the petitioner, Ms. Swami that the accused/petitioner is innocent and he is in no way connected in the alleged offence. The petitioner contends that there is apprehension of arrest in connection with this case solely based on the statement in the FIR that the mobile numbers 98640-90829 and 7000261465 belong to him. However, it is submitted that neither of these numbers belongs to the petitioner. Specifically, the second mobile number consists of only 9 digits and therefore, the same cannot be a valid number. Furthermore, the petitioner is a tuberculosis (T.B.) patient. Considering his health condition, it is requested that he be granted the privilege of pre-arrest bail. He is ready and willing to co-operate with the I.O. in the further investigation of the case, if the same is allowed.

4. In this context, Mr. Kaushik, the learned Additional Public Prosecutor, has submitted that at present the second mobile number is corrected in the FIR itself and further submitted that such illegal activities are prevalent in society.

5. I have considered the submissions at the bar with circumspection. I have also scrutinized the Case Diary. Investigation has progressed to a considerable extent. The petitioner has pledged to cooperate with the investigation and he has appeared before the Investigating Officer. The petitioner has not violated any bail conditions.

6. In view of my foregoing discussions, interim order dated 23.07.2024 is

hereby made absolute under the same terms and conditions.

7. In terms of the above observation, this Anticipatory Bail application stands disposed of.

8. Send back the Case Diary.

JUDGE

Comparing Assistant