

GAHC010151212024



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

Case No. : AB/1992/2024

AJIT KUMAR DEY AND ANR.
SOLE PROPRIETOR M/S ROYAL AAHAR
S/O LATE MANORANJAN DEY
R/O MORAN HATKHULA, NEAR CHILDREN PARK, P.O. AND P.S. MORAN,
DIBRUGARH, ASSAM-785670

2: ANIT DEY
S/O AJIT KUMAR DEY
R/O MORAN HATKHULA
NEAR CHILDREN PARK
P.O. AND P.S. MORAN
DIBRUGARH
ASSAM- 785670

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. P BORA, MS K SARMA,MS K BHATTACHARYYA,MR M SAHEWALLA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 05-09-2024

Heard Mr. P. Bora, learned senior counsel assisted by Ms. K. Bhattacharjee, learned counsel for the petitioners. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor, Assam appearing for the State respondent.

The present application has been so filed by the petitioners namely, **1. Sri Ajit Kumar Dey and 2. Sri Anit Dey**, praying for grant of pre-arrest bail in connection with Moranhat P.S. Case No.28/2024 under Sections 61(2)/316(3)/316(5) of the BNS, 2023.

This Court vide order dated 05.08.2024 on consideration of the matter proceeded to grant interim pre-arrest bail to the petitioners herein subject to the condition as mentioned in the said order.

Case diary has been received and it is seen that the petitioners have appeared before the I/O and recorded their statement.

Considering the nature and allegation so levelled against the petitioners herein in the FIR dated 15.07.2024 and also on perusal of the agreement as entered into by the petitioner with the Assam Food & Civil Supplies Cooperating Limited, this Court is of the considered view that the allegation levelled against the petitioners is based on documentary evidences and there may not be any need for custodial interrogation of the petitioners herein.

Accordingly, on consideration of the matter in its entirety and also on perusal of the case diary, this Court is of the considered view that the interim pre-arrest bail as granted to the petitioners by this Court vide order dated 05.08.2024 is to be made absolute.

Accordingly, the interim pre-arrest bail as granted by this Court vide order dated 05.08.2024 is hereby made absolute subject to the following conditions:-

i. the petitioners shall make themselves available for interrogation by the Investigating Officer as and when required;

ii. the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or any other police officer, and

iii. the petitioners shall not hamper the investigation or temper with the evidence of the case.

With the above observation and direction, the Anticipatory Bail application stands disposed of.

Send back the case diary

JUDGE

Comparing Assistant