

GAHC010152402024



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

Case No. : AB/2021/2024

KRISHNA GOGOI @ AKASH GOGOI
S/O SUNDAR GOGOI, R/O GOLAGHAT, P.S.-GOLAGHAT, P.O.-GOLAGHAT,
DIST- GOLAGHAT, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M BISWAS, A GHOSAL, J SINGPHO

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

20.09.2024

Heard Mr M Biswas, learned counsel for the petitioner Krishna Gogoi @ Akash Gogoi, who has filed this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as he is apprehending arrest in connection with Golaghat Police Station Case No. 133/2024 under Sections 61(2)/316(2) & 318 of the Bharatiya Nyaya Sanhita, 2023.

2. Also heard Mr R R Kaushik, learned Additional Public Prosecutor, Assam for the respondent State. The learned Additional Public Prosecutor has raised objection stating that the petitioner is not entitled to interim bail without perusal of the Case Diary.
3. It is submitted on behalf of the learned Additional Public Prosecutor that solely on the submissions of learned counsel for the petitioner, the prayer for interim bail on the ground of parity, cannot be considered.
4. It is submitted that similarly circumstanced accused have already been granted bail by the learned Chief Judicial Magistrate, Golaghat vide order dated 29.07.2024 in connection with G.R. No. 334/2024 arising out of Golaghat Police Station Case No. 133/2024.
5. The FIR unfolds that Babul Ali has misguided the police by lodging a false FIR and during investigation, it was unearthed that the petitioner had lent Rs.45,00,000/- (Rupees Forty Five Lacs) to Babul Ali to purchase a motorcycle. Even before the completion of payment of the entire loan to the Financer, the petitioner sold the motorcycle. It is alleged that the petitioner along with the co-accused and Babul Ali have indulged in such fraudulent activities and they have purchased and sold several motorcycles in this manner.
6. On the other hand, the learned counsel for the petitioner has submitted that Babul Ali has cheated the petitioner and the petitioner lent Rs.45,00,000/- (Rupees Forty Five Lacs) to Babul Ali but he was not at all aware that Babul Ali was indulging in such

fraudulent activities as alleged in the FIR.

7. I have considered the submissions at the bar with circumspection.

8. I have scrutinized the Case Diary.

9. The co-accused have already been granted bail by the learned CJM, Golaghat. I have considered the submission that custodial interrogation may not be required as the co-accused who were arrested, were already interrogated by the police. I have also considered the submission that the petitioner is willing to cooperate with the investigation.

10. The petitioner has appeared before the IO and his statement has been recorded. The petitioner has not violated any bail conditions.

11. The interim order dated 05.08.2024, is hereby made absolute.

12. Anticipatory Bail Application stands disposed of.

13. Send back the Case Diary.

JUDGE

Comparing Assistant