GAHC010170312024

2024:GAU-AS:11335

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

Case No. : AB/2215/2024

ANANDA KALITA
S/O BARUN KALITA
R/O RISCON TOWER
AHOM GAON

GUWAHATI- 19
P.S. DISPUR

DIST. KAMRUP (M)
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP
ASSAM

Advocate for : MR. I H SAIKIA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

20/11/2024

Heard Mr. I H Saikia, learned counsel for the petitioner and Ms. S H Bora, learned Additional Public Prosecutor, Assam for the State.

2. The petitioner, namely, **Ananda Kalita**, son of Barun Kalita, resident of Riscon Tower, Ahom Gaon, District-Kamrup (Metro), Guwahati, has filed this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking pre-arrest bail apprehending his arrest in **Dispur P.S. Case No. 668/2024** registered under Sections 406/420 IPC.

3. As per the FIR dated 29.06.2024 lodged by the informant/complainant before the Officer-in-Charge of Dispur Police Station, the case is that the petitioner borrowed an amount of Rs.8,05,300/- from the informant, Sri Vivek Gupta and the money was transferred to his account through Bank. The informant got acquainted with the petitioner through Deepranjan Kumar, who is a very good family friend. The petitioner was staying at Deepranjan Kumar's house for a long time and he got acquainted with the informant. Out of the total amount borrowed, the petitioner had issued cheques bearing Nos.475980, 475981 and 475982, for an amount of Rs.1,00,000/- each. These cheques were presented by the informant to the Bank, but the cheques were returned due to insufficiency of funds. The informant then called the petitioner to return the amount, but the petitioner despite his assurances to repay the amount immediately failed to repay the amount.

4. As such, the informant/complainant in his FIR dated 29.06.2024 requested the authority of Dispur Police Station to enquire into the matter and to take necessary action in accordance with law. Accordingly, Dispur P.S. Case No. 668/2024 under Sections 406/420 IPC was registered against the petitioner.

5. Mr. Saikia, learned counsel for the petitioner submitted that the informant had already initiated a proceeding under the NI Act at Dharmashala, District-Kangra, Himachal Pradesh.

6. Perused the case diary placed before the Court today by Ms. Bora, learned Additional Public Prosecutor, Assam.

7. Considering the materials available in the case diary, the Court is of the view that custodial detention of the petitioner, named above, is not warranted to investigate the said Dispur P.S. Case No. 668/2024. As such, this pre-arrest bail application of the petitioner is accepted.

8. The petitioner, namely, **Ananda Kalita** is already on interim bail in said **Dispur P.S. Case No. 668/2024** granted to him earlier by this Court on 27.08.2024 and the same is hereby made absolute, subject to the full compliance of the terms and conditions as specified in the said order dated 27.08.2024 and further, on compliance of the following conditions that the petitioner – **(i)** shall not hamper with the investigation, or tamper with the evidence of the case and **(ii)** 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 to any police officer**.**

9. Any violation of any of the aforesaid terms and conditions as well as the terms and conditions as specified in the said order dated 27.08.2024, noted above, the pre-arrest bail granted to the petitioner in said Dispur P.S. Case No. 668/2024 shall stand automatically vacated.

10. Accordingly, this pre-arrest bail application stands allowed to the extent above.

JUDGE

Comparing Assistant