

GAHC010170312024



2024:GAU-AS:11335

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

Case No. : AB/2203/2024

ANANDA KALITA
S/O RISCOM TOWER, AHOM GAON
GUWAHATI-19, P.S.DISPUR,
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. I H SAIKIA, MR. M R CHOUDHURY, MR. K KALITA, MR K KASHYAB, MR. B BORAH

Advocate for the Respondent : PP, 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. 592/2024** registered under Sections 420/406/ 294/506 of IPC.

3. As per the FIR dated 10.06.2024 lodged by the informant/complainant before the Officer-in-Charge of Dispur Police Station, the case is that the petitioner was working as a domestic help for several years for the informant and her family. Thereafter, in the year 2014, petitioner started his own business and borrowed an amount of Rs.70,00,000/- (Rupees Seventy Lacs) from the informant and returned Rs.10,00,000/- (Rupees Ten Lacs) to the informant. The remaining amount of Rs.60,00,000/- (Rupees Sixty Lacs) was supposed to be paid through cheque. The petitioner issued several cheques amounting to Rs.45,46,000/- (Rupees Forty Five Lacs Forty Six Thousand). Then the informant brought up a false case against the petitioner alleging that when the informant demanded that the money borrowed by the petitioner has to be returned to her, the petitioner verbally abused the informant.

4. It is further contended that the informant had booked a vehicle of Innova Crysta Model in the name of Anand Kalita after paying the down payment with the money she had received by selling her own vehicle of Mahindra Scorpio Model. Initially, the informant deposited an amount of Rs.19,000/- (Rupees Nineteen Thousand) in the petitioner's account as monthly installment for the Innova Crysta vehicle but after 10-11 months, the petitioner again demanded that the informant has to pay the entire amount of the vehicle. The informant paid the entire amount for the Innova Crysta vehicle given to the petitioner. The informant then took the vehicle to Dispur Police Station as she was apprehending that the petitioner may bring up a false case against her.

5. As such, the informant/complainant in her FIR dated 10.06.2024 requested the authority of Dispur Police Station to enquire into the matter and to take necessary action in accordance with law. Hence, Dispur P.S. Case No. 592/2024 under Sections 420/406/294/506 IPC was registered against the petitioner.

6. Mr. Saikia, learned counsel for the petitioner submitted that the informant had already initiated a proceeding under the NI Act for the default cheque issued in her name being NI Case No. 5914/2024 and NI Case No. 6070/2024 which are presently pending before the learned Judicial Magistrate, First Class No. 1, Kamrup (Metro), Guwahati.

7. Perused the case diary placed before the Court today by Ms. Bora, learned Additional

Public Prosecutor, Assam.

8. 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. 592/2024. As such, this pre-arrest bail application of the petitioner is accepted.

9. The petitioner, namely, **Ananda Kalita** is already on interim bail in said **Dispur P.S. Case No. 592/2024** granted to him earlier by this Court on 22.08.2024 and the same is hereby made absolute, subject to the full compliance of the terms and conditions as specified in the said order dated 22.08.2024 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.

10. Any violation of any of the aforesaid terms and conditions as well as the terms and conditions as specified in the said order dated 22.08.2024, noted above, the pre-arrest bail granted to the petitioner in said Dispur P.S. Case No. 592/2024 shall stand automatically vacated.

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

JUDGE

Comparing Assistant