

GAHC010177122024



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

Case No. : AB/2289/2024

NATHNEAL KONDPAN @ NATHANIAL KONDOPA
S/O LATE ABHIRAM KONDAPAN
R/O VILL- DHALLI TEA ESTATE,
P.S. BISWANATH
P.O. PAVAI
DIST. BISWANATH,
PIN-784174

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S C BISWAS, MS. J GHOSH, MS. K L R YANTHAN, MS A BORAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 09-09-2024

Heard Mr. S.C. Biswas, learned counsel for the petitioner Nathneal Kondpan @ Nathaniel Kondopa, 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 Biswanath (Chariali) Police Station Case No. 143/2024 under Section 318(4) and 336(3) of Bharatiya Nyaya Sanhita, 2023.

2. Heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.

3. The FIR lodged by Superintendent Biswanath SDCH reflects that birth certificate bearing registration No-B-2024:18-90136-000029 bearing name Gautam Sona, father's name Nirmal Sona of Dhulie Tea Estate had a fake digital signature of Dr. Jonali Gogoi/informant. It is further alleged that the QR code is not valid against Gautam Sona. On being confronted, Gautam Sona revealed that the certificate was made in the computer shop of the petitioner.

4. It is submitted on behalf of the petitioner that the petitioner was not aware that such a certificate was issued from his shop. He is not complicit but he is willing to cooperate with the investigation and to appear before the Investigating Officer as and when called for.

5. I have scrutinized the Case Diary. The merits of the case are not brought to the fore. I have considered the submission that custodial interrogation may not be required for the progress of investigation as investigation is progressed to a considerable extent.

6. Considering all aspects, petition is allowed. In the event of his arrest, the petitioner shall be enlarged on bail on furnishing a bail bond of Rs.30,000/- (Rupees Thirty Thousand) with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that :

(i) The petitioner shall appear before the Investigating Officer within one

week and cooperate with the investigation.

(ii) The petitioner shall not leave the jurisdiction of the Court without prior permission.

(iii) The petitioner shall refrain from such activities with which he is alleged.

7. On breach of any of the bail conditions, bail order shall automatically stand cancelled.

8. In terms of the above observations, this Anticipatory Bail application stands disposed of.

9. Send back the Case Diary.

JUDGE

Comparing Assistant