

GAHC010186032024



2024:GAU-AS:12134

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

Case No. : AB/2399/2024

DR PRANJAL DEKA AND ANR
S/O SHRI KRISHNA KANTA DEKA
R/O ANUPAM PATH,
RUKMINI GAON, P.S.DISPUR, PIN-781022
DIST. KAMRUP (M), ASSAM

2: SHRI PRANJAL BARMAN
S/O SHRI BHRINGESWAR BARMAN
R/O VILL- NO. 1 KAPLABARI
HIDILATTARY
P.S. MUKALMUA
PIN-781138

DIST. NALBARI
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : M PATHAK, MR. T ALI, MS. A BARMAN

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

02-12-2024

Heard Mr. M Pathak, learned counsel for the petitioners and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State.

2. Apprehending their arrest, the petitioners namely, (i) **Dr. Pranjal Deka**, son of Shri Krishna Kanta Deka, resident of Anupam Path, Rukmini Gaon, P.S.-Dispur, District-Kamrup (Metro) and (ii) **Shri Pranjal Barman**, son of Shri Bhringeswar Barman, resident of village-No.1 Kaplabari, Hidilattary, P.S.-Mukalmua, District-Nalbari have filed this application under Section 482 BNSS, 2023 seeking pre arrest bail in **Mukalmua Police Station Case No. 255/2024** registered under Sections 406/420/435/506/34 IPC.

3. As per the FIR dated 29.08.2024 lodged before the Officer-in-Charge of Mukalmua Police Station, the case is that there was a partnership between the complainant and the petitioners. In the FIR, the complainant lodged various complaints against the accused petitioners, stating that they have cheated and duped him of money and property.

4. Accordingly, Mukalmua Police Station Case No. 255/2024 was registered under Sections 406/420/435/506/34 IPC against the present petitioners.

5. The Court by order dated 17.09.2024 while calling for the case diary, granted interim bail to the petitioners, named above, in said Mukalmua P.S. Case No. 255/2024.

6. Pursuant to the same, Mr. B Sarma, learned APP, Assam has placed the case diary before the Court today.

7. Mr. Sarma, learned APP, Assam from the case diary has submitted that after obtaining interim bail on 17.09.2024, the petitioners appeared before the concerned I.O. of the case and that their statements have already been recorded. He further stated that the matter relates to violation of agreement between the complainant and the petitioners and the dispute relates to their business which is civil in nature.

8. Considering such materials in the case diary, the Court is of the view that custodial

detention of the petitioners is not warranted for investigation of said Mukalmua P.S. Case No. 255/2024. As such, this pre arrest bail application of the petitioners is accepted.

9. Accordingly, the interim pre-arrest bail granted to the petitioners on 17.09.2024 in said Mukalmua P.S. Case No. 255/2024, is hereby made absolute, subject to the compliance of the terms and conditions as specified in the said order dated 17.09.2024 and on compliance of the following conditions that the petitioners – **(i)** shall not hamper with the investigation, or tamper with the evidence of the case; **(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 and **(iii)** shall not involve themselves in any criminal activities in future.

10. Any violation of the aforesaid terms and conditions as well as the terms and conditions as specified in the order dated 17.09.2024, noted above, by the petitioners, named above, the pre-arrest bail granted to them in the aforementioned Mukalmua P.S. Case No. 255/2024 shall stand automatically vacated.

11. This pre-arrest bail application accordingly stands disposed of.

12. Return the case diary herewith.

JUDGE

Comparing Assistant