

GAHC010186702023



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

Case No. : AB/2963/2023

MUNINDRA DEKA
S/O- LATE MATHURA DEKA, BY FAITH AND RELIGION-HINDU, BY
PROFESSION- PRIVATE SERVICE, RESIDENT OF RUPNAGAR PRAGATI
PATH, HOUSE NO-10, P.S. BHANGAGARH, IN THE DISTRICT OF KAMRUP
(M), GUWAHATI, PHONE- 9864493739

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, GOVT. OF ASSAM

Advocate for the Petitioner : MR. V N UPADHYAY

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

13.02.2024

Heard Ms. P. Mishra, learned counsel for the applicant and also heard Ms. A. Begum, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Bhangagarh P.S. Case No.162/2023, under

Section 420/406 IPC, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Munindra Deka, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Rajib Bora, on 02.06.2023. The essence of allegation made in the aforesaid FIR is that one Jaya Das, Bijoy Meheta and Monoj Jsosoriya, took a sum of ₹ 26,00,000/- for providing the licence for Wine Shop and thereafter took a sum of ₹ 34,10,800/- with a promise to provide him a contract in the Railway Department and thereafter took a sum of ₹ 1,10,95,800/- to provide a contract in the Assam Government and also took a sum of ₹ 4,07,000/- to give admission of his sons in the Don Bosco School. The aforesaid amount was taken by the accused persons from 10.08.2021 to 03.06.2022, but neither they have provided any licence of Wine Shop nor provided any contract in the Railway Department or under the Assam Government, nor provided admission to his sons at Don Bosco School and also failed to return the amount they had taken.

4. Ms. Mishra, learned counsel for the applicant submits that this Court was pleased to extend interim protection to the applicant vide order dated 29.08.2023 and pursuant to the said order, he had appeared before the I.O. and he has been cooperating with the investigating agency and therefore, a contention is being made to make the interim order dated 29.08.2023, absolute, in the same terms and conditions.

5. On the other hand, Ms. A. Begum, learned Additional Public Prosecutor, Assam, submits that she has not received the case diary, but as per her instruction the I.O. has completed the investigation and submitted charge-sheet, being Charge-Sheet No.160/2023, dated 16.09.2023, under Section 420/406 IPC.

6. Since charge-sheet has been submitted after completion of investigation, this Court is inclined to dispose of this application by directing the applicant to appear before the learned Court below on or before 29.02.2024, and to apply for regular bail and in the event of filing such an application, the learned Court below shall consider the same in accordance with law. Till then, interim order dated 29.08.2023, stands extended.

7. In terms of above, this anticipatory bail application stands disposed of.

Sd/- Robin Phuikan
JUDGE

Comparing Assistant