

GAHC010188372024



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

Case No. : AB/2433/2024

SRI GOBINDA DEY AND 2 ORS
S/O SRI BIMAL DEY
R/O PANDU CABIN
P.S. JALUKBARI, GUWAHATI-781012,
DIST. KAMRUP (M), ASSAM

2: SRI BIMAL DEY

S/O LATE SATISH DEY
R/O PANDU CABIN
P.S. JALUKBARI
GUWAHATI-781012

DIST. KAMRUP (M)
ASSAM

3: SRI NARAYAN DEY
S/O SRI BIMAL DEY
R/O PANDU CABIN
P.S. JALUKBARI
GUWAHATI-781012
DIST. KAMRUP (M)
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR D R SAIKIA, PARTHA PRATIM SAIKIA,MR S BORTHAKUR

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 26-09-2024

Heard Mr. S. Borthakur, learned counsel for the petitioners, **1.** Sri Gobinda Dey, **2.** Sri Bimal Dey and **3.** Sri Narayan Dey, who have filed this application under Section 482 of the Bharaitiya Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as they are apprehending arrest in connection with Jalukbari Police Station Case No. 440/2024 under Sections 14/15/17 Games and Batting Act (Assam), 1970.

2. Heard Mr. M.P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.

3. The allegations against the petitioners are that they are involved in illegal teer i.e. illegal betting.

4. It is submitted on behalf of the petitioners that the main accused Ujjal Das has already been arrested in connection with this case. It is also submitted that Sri Narayan Dey and Gobinda Dey are sons of Sri Bimal Dey.

5. Learned Additional Public Prosecutor has raised serious objection and has stated that articles for gambling were found in Bimal Dey's house and there are prima facie incriminating materials against the petitioners in the FIR as well as in the case diary.

6. I have scrutinized the case diary.

7. The petitioner Sri Bimal Dey is 72 years old. I have considered the submission that Sri Narayan Dey resides in another premise and does not reside with the petitioners No. 1 and 2.

8. Considering all aspect, it appears that pre-arrest bail may be granted to the petitioners.

9. In the event of arrest of the petitioners named above they shall be enlarged on bail on furnishing a bail bond of *Rs.30,000/- each (Rupees Thirty Thousand) each* with a suitable surety of like amount to the satisfaction of the arresting authority under the conditions that:-

(i) the petitioners shall appear before the Investigating Officer within one week from today and cooperate with the investigation,

(iii) the petitioners shall not exercise threats to the witnesses or tamper with the evidence and,

(iv) the petitioners shall not leave the jurisdiction of the Court without prior permission.

10. On breach of any of the bail conditions, pre-arrest bail order shall automatically stand cancelled.

11. Send back the case diary.

12. Anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant