

GAHC010190742024



2024:GAU-AS:11811

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

Case No. : AB/2462/2024

DR NARMADA HIDANGMAYUM AND ANR
W/O MR. PETER SALAM
R/O SALAM LEIKAI
SAGOLBAND, IMPHAL WEST, P.O. AND P.S. IMPHAL WEST,
MANIPUR, PIN-795001.

2: SALAM ADDEN SINGH
S/O SALAM DILIPKUMAR SINGH
R/O THANGMEIBAND
P.O. AND P.S. LAMPHEL
DIST. IMPHAL WEST
MANIPUR
PIN- 795004

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. U K DEKA, MS. P BORAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 28.11.2024

Heard Mr. U.K. Deka, learned counsel for the petitioner Nos. 1. Dr. Narmada

Hidangmayum and 2. Salam Adden Singh, who have filed this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with prayer for pre-arrest bail as they are apprehending arrest in connection with Dispur Police Station Case No. 842/2024 under Sections 420/406/34 of the Bharatiya Nyaya Sanhita, 2023.

2. Heard Ms. N. Das, learned Additional Public Prosecutor, Assam for the respondent State.

3. The allegation against the petitioners is that the petitioner No. 2 requested the complainant Ajay Bahadur Singh to lend Rs.15,00,000/- (Rupees Fifteen Lacs) to facilitate the petitioner No. 1 to purchase a flat for Rs.15,00,000/- (Rupees Fifteen Lacs). The money was lent to the petitioners by the complainant but the petitioners failed to repay the money.

4. Learned counsel for the petitioners have stated that the bank statement marked as Annexure-G clearly reveals that on 08.09.2023, and again on 05.10.2023, a total amount of Rs.15,00,000/- (Rupees Fifteen Lacs) was already paid to the informant. On the contrary, the petitioner No. 2 who had business dealings with the informant paid Rs.4,80,00,000/- (Rupees Four Crore Eighty Lacs) for goods to be supplied to the petitioner No. 2 by the informant Ajay Bahadur Singh but the informant failed to supply the goods and he supplied only for Rs.2,40,00,000/- (Rupees Two Crore Forty Lacs). This impelled the petitioner No. 2 to lodge an FIR against the informant. The FIR is marked as Annexure-C of the petition. Warrant of arrest was issued against the informant, which is marked as Annexure-D. Another warrant of arrest issued against the informant was brought up by another person, which is marked as Annexure-D(1) of the petition. After the informant was granted bail in several criminal cases in the State of Nagaland and Manipur, the informant arrived at

Guwahati and to wreck vengeance, he brought up this case against the petitioners.

5. It is submitted that there is no direct allegation against the petitioner No. 1 but a false case has been instituted against the petitioner No. 2.

6. I have considered the submissions at the bar with circumspection. I have also scrutinised the case diary. The petitioners have appeared before the Investigating Officer and they have co-operated with the investigation. The petitioners have not violated any bail conditions.

7. Considering all aspects, the interim order dated 16.09.2024 is hereby made absolute under the same terms and conditions.

8. Send back the case diary.

JUDGE

Comparing Assistant