

GAHC010216302024



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

Case No. : AB/2749/2024

CHANDRA LAHKAR AND ANR
S/O SRI PARESH LAHKAR, R/O CHUNGAJAN, P.S.-CHUNGAJAN, DIST-
GOLAGHAT, ASSAM

2: MD INTAZ ALI
S/O SRI MAHBUL ALI
R/O NITEJE BOSTI (NAGA BOSTI)
P.S.-SARUPATHAR
DIST- GOLAGHAT
ASSA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR P S RAJA,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 22.10.2024

- 1.** Heard Mr. B. Chakraborty, learned petitioners. Also heard Mr. R. R. Kaushik, learned Additional Public prosecutor for the State of Assam.
- 2.** This is an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying for pre arrest bail in respect of Sarupathar P.S. Case No.28/2024.

- 3.** The informant has alleged that he had a contract with the two petitioners who agreed to supply 31 quintals of local betel nuts to him for a price of Rs.7,00,000/-. Accordingly on the same day an advance amount of Rs.50,000/- was paid by the informant by Google Pay but the petitioners insisted on paying the entire amount. Therefore the petitioner brought the additional amount of Rs.6,50,000/-.
- 4.** According to the informant, the petitioners snatched away the said amount of Rs.6,50,000/- and fled away from the place.
- 5.** I have considered the submissions made by the learned counsels of both the sides.
- 6.** It appears that instead of accepting of Rs.6,50,000/- from the informant, the petitioners have snatched away the money and that is the reason why the FIR was lodged.
- 7.** This Court is of the opinion that this is a case of a contract between the two persons, therefore the informant if feels aggrieved may approach to the appropriate authority for seeking relief.
- 8.** This Court is in agreement with the petitioners that they do not deserve to be detained in custody for the aforesaid allegation.
- 9.** Therefore the pre-arrest bail application of the petitioners is allowed.
- 10.** It is hereby directed that in the event of arrest in connection with Sarupathar P.S. Case No.28/2024, the petitioners Sri. Chandra Lahkar and Md. Intaz Ali shall be released on bail of Rs.25,000/- each with a surety of like amount to the satisfaction of the arresting authority.
- 11.** The petitioners shall co-operate with the Police Investigating Officer as and when required.
- 12.** With the aforesaid direction the bail application stands disposed of.
- 13.** The Case Diary shall be returned.

JUDGE

Comparing Assistant