

GAHC010224252024



2024:GAU-AS:12137

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

Case No. : AB/2815/2024

SHRI RAM KISHAN GATTANI
SON OF LATE NAWAL
CHAND GATTANI, AGED ABOUT 68
YEARS, RESIDENT OF WARD NO. 4
UNDER JORHAT MUNICIPAL BOARD, AT
ROAD, IN THE DISTRICT OF JORHAT,
ASSAM, PIN - 785001

2: SHRI. ANJANI KUMAR GATTAN
SON OF SHRI. RAM
KISHAN GATTANI
AGED ABOUT 44
YEARS
RESIDENT OF WARD NO.4
UNDER JORHAT MUNICIPAL BOARD
AT
ROAD
IN THE DISTRICT OF JORHAT

ASSAM
PIN - 785001

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MR M SAHEWALLA, MR. A K SAHEWALLA, MR G N
SAHEWALLA, MR H K SARMA

Advocate for the Respondent : PP, ASSAM, MR J LOTHAN, MR. D THAOSEN (INFORMANT), MR
H K SARMA (INFORMANT), MR B D DAS (INFORMANT)

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

02/12/2024

Heard Mr. G N Sahewalla, learned Senior assisted by Mr. A K Sahewalla, learned counsel for the petitioners and Mr. M P Goswami, learned Additional Public Prosecutor, Assam for the State. Also heard Mr. B D Das, learned Senior counsel assisted by Mr. J Lotha, learned counsel for the complainant/informant.

2. The petitioners, namely, **(i) Shri Ram Kishan Gattani**, son of Late Nawal Chand Gattani, resident of Ward No. 4 under Jorhat Municipal Board, At Road, District-Jorhat and **(ii) Shri Anjani Kumar Gattani**, son of Shri Ram Kishan Gattani, resident of Ward No. 4 under Jorhat Municipal Board, At Road, District-Jorhat have filed this application under Section 482 of BNSS, 2023, seeking pre-arrest bail apprehending their arrest in **Jorhat P.S. Case No. 450/2024** registered under Section 63 of the Copy Right Act, 1957 (Amendment 2012) read with Sections 318(4), 336(3), 340(2), 61(2) of BNS, 2023.

3. Perused the case diary placed before the Court by Mr. Goswami, learned Additional Public Prosecutor, Assam

4. Mr. Goswami, learned Additional Public Prosecutor, Assam from the case diary submitted that on obtaining interim pre-arrest bail on 25.10.2024 in said Jorhat P.S. Case No. 450/2024, the petitioners have appeared before the concerned Investigating Officer of the case and their statements have been recorded and that they are co-operating with the investigation of the case.

5. However, Mr. Das, learned Senior counsel appearing for the complainant vehemently objected for bail of the petitioners stating that by order of the Court business of the complainant, M/S. Bhanwarlal Rice & Flour Mills, has been stopped and it is no longer involve in such trade of rice. During such banned period, it is the petitioners misusing their brand name are selling rice to the customers shown to be issued by Nawalchand Ramkishan illegally in the name of the complainant.

6. Considering the materials available in the case diary, the Court is of the view that custodial detention of the petitioners, named above, is not warranted to investigate the said Jorhat P.S. Case

No. 450/2024. As such, this pre-arrest bail application of the petitioners is accepted.

7. The petitioners, namely, **(i) Shri Ram Kishan Gattani** and **(ii) Shri Anjani Kumar Gattani** are already on interim bail in said **Jorhat P.S. Case No. 450/2024** granted to them earlier by this Court on 25.10.2024 and the same is hereby made absolute, subject to the full compliance of the terms and conditions as specified in the said order dated 25.10.2024.

8. Violation of any of the terms and conditions as specified in the said order dated 25.10.2024, noted above, the pre-arrest bail granted to the petitioners in said Jorhat P.S. Case No. 450/2024 shall stand automatically vacated.

9. Accordingly, this pre-arrest bail application stands allowed to the extent above.

10. Return the case diary.

JUDGE

Comparing Assistant