

GAHC010234332024



2024:GAU-AS:11367

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

Case No. : AB/2964/2024

DEEPAK CHETRY
S/O LATE PRADIP CHETRY
VILL- MOINAPARA,
P.S. GOLAGHAT
P.O. MORANGI,
DIST. GOLAGHAT, ASSAM
PIN-785621

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY, B DAS, MR. J BARMAN, MR. A M AHMED, MR D J BORO

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

21-11-2024

Heard Mr. H R Choudhury, learned Senior counsel assisted by Ms. H Ahmed, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State.

2. By this application under Section 482 of the BNSS, 2023, the petitioner, namely, **Deepak Chetry**, son of late Pradip Chetry, resident of village-Moinapara, P.S.-Golaghat, District-Golaghat, apprehending his arrest, is seeking pre-arrest bail in **Golaghat Police Station Case No. 210/2024**, registered under Sections 305/317(2) of the BNS, 2023.
3. As per the FIR dated 15.10.2024 lodged by the informant, the case is that he is the owner of a shop dealing with garments and cloths at Golaghat Town, District-Golaghat. Some garments and cloths from his said shop have been stolen and he came to know that those have been stored in another shop, at Tirupati Complex of Bokakhat Town. As such, he prayed before the Officer-in-Charge of Golaghat Police Station to recover his stolen garments/cloths and to do the needful.
4. Accordingly, Golaghat Police Station Case No. 210/2024 was registered under Sections 305/317(2) of the BNS, 2023.
5. Perused the case diary placed before the Court today by Mr. B Sarma, learned APP, Assam that was called for by the Court on 12.11.2024.
6. Case Diary reveals that the petitioner is the owner of the shop Tirupati Complex located at Bokakhat town and he used to purchase cloths and garments from two of the employees of the informant who serve as salesman in his shop at Golaghat.
7. Case Diary also reveals that those two employees of the garment shop of the informant have already been arrested and that the garments/cloths that were stolen from the shop of the informant have already been seized/recovered.
8. Considering the materials in the case diary, this Court is of the opinion that custodial detention of the petitioner is not warranted to investigate said Golaghat Police Station Case No. 210/2024. As such, this pre-arrest bail application is accepted.
9. Accordingly, it is provided that in the event of arrest of the petitioner, namely, **Deepak Chetry**, in said Golaghat Police Station Case No. 210/2024, he shall be released on bail on furnishing bail bond of Rs. 40,000/-, with two local sureties, each of the like amount, one of which shall be a Government Employee, either State or Central Government, to the satisfaction of the arresting authority, subject to the conditions that petitioner, named above

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- i) shall appear before the concerned Investigating Officer of said Golaghat Police Station Case No. 210/2024 **on or before 27.11.2024** and thereafter, as and when he is required for necessary investigation of the case;
 - ii) shall not leave the territorial jurisdiction of Golaghat Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case;
 - iii) shall not hamper with the investigation, or tamper with the evidence of the case;
 - iv) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade them from disclosing such facts to the Court or to any police officer and;
 - v) shall not involve himself in any criminal activities in future.

10. Any violation of the aforesaid terms and conditions by the petitioner, namely, **Deepak Chetry**, the pre-arrest bail granted to him in said Golaghat Police Station Case No. 210/2024 shall stand automatically vacated.

11. This pre-arrest bail application accordingly stands allowed.

12. Return the Case Diary herewith.

JUDGE

Comparing Assistant