

GAHC010247852022



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

Case No. : AB/3591/2022

RAJDIP BHUYAN
S/O LT. LAKHI BHUYAN, R/O HOUSE NO. 48, ANANDA NAGAR, SIXMILE,
DIST- KAMRUP (M), ASSAM, PIN-781022

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. I H SAIKIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 24-01-2024

Heard Mr. I. H. Saikia, learned counsel for the applicant and also heard Mr. P. S. Lahkar, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with Mayong P.S. Case No. 200/2021, under Section 406/420 IPC, this application under Section 438 Cr. P. C. is preferred by applicant, namely, Rajdip Bhuyan for grant of pre-arrest bail.

The above noted case has been registered on the basis of an FIR lodged by one Hasen Ali on 01.10.2021.

The essence of allegation made in the FIR dated 01.10.2021, is that he had paid a sum of Rs.9,00,000/- as down payment towards purchasing a JCB to the owner of Karnest Motors Dealers on 20.09.2021, 21.09.2021 and 22.09.2021. But the said dealer has neither delivered the vehicle to him nor returned the amount.

Mr. Saikia, learned counsel for the applicant submits that in connection with the same subject matter, the informant has lodged another case with the Dispur P. S., which is registered as Dispur P.S. Case No. 568/2023, u/s 420/406 IPC and in the same case, the privilege of pre-arrest bail was granted by this Court vide order dated 29.09.2023, in AB 1514/2023, and that this Court was pleased to extend interim protection to the applicant, vide order dated 05.12.2022, and pursuant to said order, the applicant had appeared before the I.O, and he has been extending cooperation with the investigating agency, and therefore, Mr. Saikia contended to make the interim order dated 5.12.2022, absolute in same terms and condition.

Whereas, Mr. Lahkar, learned Addl. P.P. has produced the case diary before this Court and submits that as per endorsement, the applicant had not appeared before the I.O. and that the I.O. has collected sufficient materials against the accused and therefore, it is contended to dismiss the petition.

Having heard the submission of learned Advocates of both sides, I have carefully perused the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Lahkar, learned Addl. P.P.

In view of the materials collected so far in the case diary as well as the stage of investigation and also in view of the co- operation being extended to the

investigating agency by the applicant, his custodial interrogation seems to be not warranted herein this case, and accordingly, interim order dated 05.12.2022, is hereby made absolute, in the same terms and condition.

In terms of the above this A.B stands disposed of.

Case diary be returned.

JUDGE

Comparing Assistant