

GAHC010254562023



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

Case No. : AB/3878/2023

DHARMENDRA PRASAD SAH
S/O- BHAYAL PRASAD SAH, RESIDENT OF LANKA SHILLONGONI ROAD,
DISTRICT- HOJAI, PIN- 782446, PO LANKA, PS LANKA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR

Advocate for the Petitioner : MS. T SOM

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

24.01.2024

Heard Ms. T. Som, learned counsel for the applicant and also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Nagaon P.S. Case No.823/2023, under Section 420/468/471 IPC, this application under Section 438 Cr.P.C. has been preferred by

the applicant, namely, Dharmendra Prasad Sah, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Debajit Saikia on 05.09.2023. The essence of allegation made in the aforesaid FIR is that Dharmendra Prasad Sah, who has been appointed as the authorised service dealer of Honda two wheelers in the name and style of Anamika Enterprise for the Lanka location, vide letter dated 20.08.2014 has fraudulently submitted some documents fabricating the signature of the informant and stealing his dealership's letter pad to acquire the trade licence and trade certificate, as required.

4. Ms. Som, learned counsel for the applicant submits that this Court vide order dated 24.11.2023 was pleased to grant the privilege of interim pre-arrest bail to the applicant and pursuant to the said order, the applicant had appeared before the I.O. and he has been cooperating with the investigating agency and therefore, it is submits that the interim order, dated 24.11.2023, may be made absolute, in the same terms and conditions.

5. On the other hand, Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, producing the case diary before this Court, submits that the applicant had appeared before the I.O. and his statement is also recorded, but he has not submitted some documents as asked the by I.O. till date.

6. At this point, Ms. Som, learned counsel for the applicant submits that the applicant is ready to the documents as required by the I.O.

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

8. In view of the submission of learned Advocates of both the parties and also in view of the fact that the applicant has been cooperating with the investigating agency and undertakes to produce the documents as required by the I.O., this Court is inclined to dispose of this application by making the interim order dated 24.11.2023 absolute, in the

same terms and conditions. Case diary be returned.

9. In terms of above, this anticipatory bail application stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant