

GAHC010257712023



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

Case No. : AB/3877/2023

PARTHA PRATIM BUJARBARUAH
S/O PRADIP BUJARBARUAH
PERMANENT RESIDENT OF VILL- BARKHALA, P.S. GHOGHRAPAR
DIST. NALBARI, ASSAM
PIN-781350

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. D CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

22.01.2024

Heard Mr. D. Choudhury, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under Section 438 Cr.P.C. is preferred by the applicant, namely,

Partha Pratim Bujarbaruah, who has been apprehending arrest in connection with Dispur P.S. Case No.266/2023 under Section 420/406 IPC, for grant of pre-arrest bail.

3. It is to be noted here that the above-mentioned case has been registered on the basis of an FIR lodged by one Monoj Kumar Jalan on 08.02.2023. The essence of allegation made in the aforesaid FIR is that the informant has advanced a sum of ₹ 72,500/- by way of cheque towards advance payment of ₹ 1,45,000/- for purchasing Automatic Boom Barrier, IP based access controller, UHF Reader, Cables and Connectors, installation and configuration, Mtr Galvanized Pole and UHF-1 TAG4 for the site "Protech Galaxy". The cheque was encashed and the amount was debited from his account on 17.08.2021. But, the applicant has failed to supply the aforesaid articles, for which he has withdrawn the order on 07.09.2021 and thereafter, the applicant has issued a cheque, amounting to ₹ 72,500/-, on 25.09.2021. But the said cheque was dishonoured and returned unpaid on 30.09.2021, on account of insufficiency of fund.

4. Mr. Choudhury, learned counsel for the applicant submits that this Court was pleased to extend the interim protection to the applicant vide order dated 17.11.2023 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 contended that the interim order dated 17.11.2023 may be made absolute, in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the I.O. has collected some materials in support of the allegation made in the FIR. However, Mr. Sarma submits that the I.O. has achieved substantial progress in the investigation of the case.

6. 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. Sarma, learned Additional P.P.

7. In view of the progress achieved in the investigation and also in view of the fact that the applicant has been extending cooperation with the investigating agency, this

Court is of the view that custodial interrogation of the applicant is not required in the interest of investigation and therefore, the interim order dated 17.11.2023 is hereby made absolute, in the same terms and conditions.

8. In terms of above, this anticipatory bail application stands disposed of. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant