

GAHC010265412023



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

Case No. : AB/4015/2023

SOURAV DAS @ SAGAR DAS
S/O SRI SUBHASH DAS
R/O WARD NO. 9, SONPUR
P.O. NALBARI, P.S. NALBARI
DIST. NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR P DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 12.01.2024

Heard Mr. P. Das, learned counsel for the applicant. Also heard Mr. B. Sarma, learned Addl. Public Prosecutor for the State respondent and Mr. P. Prawar, learned counsel for the informant.

2. Apprehending arrest in connection with Bhangagarh P.S. Case No.

287/2023, under Sections 406/420 of the IPC, read with Section 66 of I.T. Act, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Sourav Das @ Sagar Das, 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 Jagadish Kalita on 09.10.2023. The essence of allegation made in the FIR dated 09.10.2023, is that while the informant enquired about the balance of his account (A/c No. 1226104000059404) in IDBI Bank, at Nalbari, he came to know that someone, using G-pay had made a payment of Rs. 85,000/- from his account to Aryan Store, Bhangagarh, near GMDA Office.

4. Mr. Das, learned counsel for the applicant submits that the applicant had been granted the privilege of interim pre-arrest bail, vide order dated 30.11.2023, and pursuant to the said order, he has also appeared before the I.O. and that he has been cooperating with the investigating agency. Mr. Das, further submits that the father of the applicant entered into one Memorandum of Understanding on 07.11.2023 with the informant and a sum of Rs. 85,000/- had been paid to the informant, and the said Memorandum of Understanding is enclosed with the petition at page 13, and therefore, a contention is being made to make the interim order dated 30.11.2023, absolute in the same terms and conditions.

5. On the other hand, Mr. Sarma, the learned Addl. Public Prosecutor submits that he has not received the case diary. But, Mr. Prawar, learned counsel for the informant submits that the informant has already received the amount of Rs. 85,000/-, and as such, he has no objection in the event of making the interim order dated 30.11.2023, absolute in the same terms and conditions.

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 a copy of the Memorandum of Understanding dated 07.11.2023.

7. In view of the submission of learned Advocates of both sides and considering the fact that an amount of Rs. 85,000/- has already been paid to the informant, and also in view of the fact that the applicant has been extending cooperation with the investigating agency, custodial detention of the applicant seems to be not warranted here in this case, and therefore, the interim order dated 30.11.2023 is hereby made absolute in the same terms and conditions.

8. In terms of the above, this application stands disposed of.

JUDGE

Comparing Assistant