

GAHC010281042023



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

Case No. : AB/4167/2023

KARANJIT LASKAR
S/O BABUL LASKAR R/O KAMPUR P.O. AND P.S. KAMPUR DIST. NAGAON
ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. D BORA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

10.01.2024

Heard Mr. D. Bora, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned Additional Public Prosecutor, appearing for the State of Assam.

This application under Section 438 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Karanjit Laskar, who is

apprehending his arrest in connection with Geetanagar P.S. Case No. 312/2023 under Section 120B/420/406/467/468 of the Indian Penal Code.

The gist of accusation in this case is that one Dibjyoti Choudhury had lodged an FIR before the Officer-In-Charge of Geetanagar Police Station, *inter-alia*, alleging that after receipt of an information through reliable sources that one Sabas Ali and one Riya Khan are involved in theft of motorcycles and a search operation was conducted in the rented house of Sabas Ali, at House No. 34, Ambikagiri Nagar, and during the said search 13 numbers of helmets, 1 black colour Royal Enfield Classic 350 motorcycle without number plate, one Yamaha motorcycle, one black colour TVS Ntorq motorcycle without number plate, one TVS Jupiter bearing Registration No. AS-33-A-0218 along with cash amounting to Rs. 1,37,000/- were recovered therefrom. During interrogation, it was revealed by the accused persons, namely, Shabas Ali and Riya Khan that they engaged a third party/persons to buy costly motorcycle by providing their personal documents by paying low down payments from different showrooms with an intention to cheat the finance companies and after they take those motorcycles, the third party persons were given some money and they used to sell the motorcycles in other states, outside Assam, such as Nagaland, Meghalaya and never pay back their EMI's.

Learned counsel for the petitioner has submitted that though the petitioner is in no way involved in the offence alleged in the FIR, the police is searching for him and therefore, he is apprehending his arrest in connection with this case.

He has also submitted that the driver of the present petitioner, namely, Dipan Das has already been arrested and he suspects that the driver might have implicated his name in this case.

On the other hand, Mr. K.K. Das, learned Additional Public Prosecutor has produced the case diary of Geetanagar P.S. Case No. 312/2023 before this Court and has submitted that there are sufficient implicating materials against the present petitioner in the case diary and he has vehemently opposed the grant of anticipatory bail to the present petitioner.

He has also submitted that the modus operandi of the petitioner and other accused persons named in the FIR is that they used to take loan from the finance company in the name of third party by paying a very low down payment and thereafter, they default in making payment of the loan and they sell the motorcycles to persons outside the State of Assam and defraud the finance company.

Considering the fact that there are incriminating materials in the case diary against the present petitioner, this Court is not inclined to grant the benefit of an order under Section 438 of the Code of Criminal Procedure, 1973 to the present petitioner at this stage.

This anticipatory bail application is accordingly dismissed.

Send back the case diary.

JUDGE

Comparing Assistant