

GAHC010285672023



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

Case No. : AB/4238/2023

PRANAB KUMAR SARMA
C/O SIDDHA NATH DEVA SARMA
R/O H/NO. 16, ALK PATH LICHUBARI
P.O. KHANAPARA, P.S. DISPUR,
DIST. KAMRUP (M), ASSAM-781022
PH. NO. 9435144440

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B D KONWAR SR. ADV., MR H AGARWAL, MS M ZOMUANPUII, MS S JAIN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

22.08.2024

Heard Mr. B.D. Konwar, learned Senior Counsel assisted by Ms. M. Zomuanpuii, learned counsel for the applicant and Ms. S.H. Borah, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Cyber P.S. Case No. 12/2023**, under Sections 120(B)/419/420 of the IPC read with Sections 66(C)/66(D) of the I.T. Act added Sections 409/468/471 of the IPC, this application under Section 438 of the

Code of Criminal Procedure, 1973, is preferred by applicant namely, **Pranab Kumar Sarma** for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one Papu Gogoi, Circle Officer, Dispur Revenue Circle, on 02.11.2023. The essence of allegation made in the FIR is that it came to the notice of the informant that a mutation order was passed online in Dharitree portal on 05.10.2023, in case No. MET/DIS/2022-23/96042/OMUT, against a deed bearing serial 6268, dated 31.12.1995, wherein no official record was found in respect of issuance of notice and no order was in his office. Thereafter, he communicated to the DIO NIC, Kamrup to provide login history details from 01.10.2023 - 26.10.2023, and on examination of the login history, it was found that 2 IP addresses logins were made and 54 times during the period between 04.10.2023 - 26.10.2023, from the IP address 10.177.88.65 login was made and 52 times from the IP address 10.177.88.58 on 10.10.2023, and the login from the above mentioned IP addresses were made unauthorizedly.

4. Mr. Konwar, learned Senior Counsel appearing for the applicant submits that this Court was pleased to grant interim protection to the applicant, vide order dated 20.12.2023, and pursuant to the said order, the applicant had appeared before the I.O. and cooperating with the investigating agency. Mr. Konwar further submits that in fact he is no way involved with the offence alleged in the FIR and therefore, it is contended to make the interim order dated 20.12.2023, absolute in the same terms and conditions.

5. On the other hand, Ms. Borah, learned Additional Public Prosecutor by producing the case diary before this Court submits that the investigation is still going on. However, Ms. Borah submits that the applicant had appeared before the I.O. and his statement has also been recorded.

6. Having heard the submissions of learned Advocates of both sides, I have

carefully gone through the petition as well as the documents placed on record and perused the case diary with the assistance of learned Additional Public Prosecutor.

7. It appears that the investigation is still going on and the applicant had appeared before the I.O. and he has been cooperating with the investigating agency.

8. Considering the submissions of learned counsel for both the parties and also considering the fact that the applicant has been cooperating with the investigating agency and also having regard to the nature and gravity of the offence and the stage of investigation as well as the materials collected so far against him, this Court is of the view that their custodial interrogation of the applicant seems to be unwarranted here in this case. And therefore, this Court is inclined to make the interim order dated **20.12.2023, absolute** in the same terms and condition.

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

Comparing Assistant

JUDGE