

GAHC010286512023



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

Case No. : AB/4257/2023

DHIRAJ SHARMA
S/O RAJAT SHARMA
R/O JAPORIGOG, GUWAHATI
P.S. DISPUR
DIST. KAMRUP (M), ASSAM
PIN-781005

VERSUS

THE STATE OF ASSAM
REP BY THE LD. PP, ASSAM

Advocate for the Petitioner : MR. R SALOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

24.01.2024

Heard Mr. R. Saloi, learned counsel for the applicant and also heard Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Dispur P.S. Case No.2281/2023, under Section 384/503/325/506 IPC, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Dhiraj Sharma, 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 Suraj Agarwal on 08.12.2023. The essence of allegation made in the aforesaid FIR is that the informant Suraj Agarwal was live in relationship with one Jimli Das for two years and that thereafter, she started affairs with another person, namely, Dhiraj and they lodged a false case against him, in which she was arrested and thereafter, in the name of compromise, they have demanded a sum of ₹ 10,00,000/- from him.

4. Mr. Saloi, learned counsel for the applicant submits that the applicant was granted the privilege of interim pre-arrest bail by this Court vide order dated 20.12.2023 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 20.12.2023, may be made absolute, in the same terms and conditions.

5. On the other hand, Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the I.O. has collected some materials against the applicant. However, Mr. Lahkar submits that the applicant has appeared before the I.O. and cooperating with the investigating agency.

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. Lahkar, learned Additional P.P.

7. It is not in dispute that pursuant to the order dated 20.12.2023, the applicant had appeared before the I.O. and he has been cooperating with the investigating agency. The case diary also indicates that the Investigating Officer has achieved substantial progress in the investigation of the case and in the interest of investigation, custodial interrogation of the applicant seems to be not warranted here in this case and therefore, the interim

order dated 20.12.2023 is hereby made absolute, in the same terms and conditions. Case diary be returned.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant