

GAHC010287642023



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

Case No. : AB/4262/2023

PARIMAL BISWAS
S/O JATENDRA BISWAS
R/O HOUSE NO. 32,
A.K. DEV ROAD,
DHIRENPARA,
P.S. FATASIL
DIST. KAMRUP (METRO),
PIN-781025, ASSAM
ALTERNATE ADDRESS
R/O BYE LANE NO. 13, LAXHIMI NAGAR, HATIGAON,
P.S. DISPUR, GUWAHATI-781006, DIST. KAMRUP (METRO), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M BORA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 16.02.2024

Heard Mr. A.M. Bora, learned senior counsel, assisted by Mr. V.A.

Choudhury, learned counsel for the applicant and also heard Mr. K.K. Das, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Dispur P.S. Case No. 2191/2023, registered under Sections 420/ 406 IPC, this application, under Section 438 Cr.P.C. is preferred by the applicant, namely, Sri Parimal Biswas, for grant of pre-arrest bail.

3. The above noted case has been registered on the basis of an FIR lodged by one Sri Tripad Roy on 13.01.2023. The essence of allegation made in the aforesaid FIR is that in view of good relationship with Sri Parimal Biswas, the informant has invested a sum of Rs. 1,35,00,000.00 in the business of Sri Parimal Biswas, but neither he had paid any benefit nor the aforesaid amount and thereby cheated him.

4. Mr. A.M. Bora, learned senior counsel for the applicant, submits that the applicant is on interim pre-arrest bail, granted by this Court vide order dated 19.12.2023, and pursuant to the said interim pre-arrest bail order, the applicant had appeared before the I.O. and cooperated with the investigation. He further submits that it was a commercial transaction between the applicant and the informant and the applicant had refunded some amount to the informant by cash and rest of the amount by issuing cheques. Mr. Bora, further submits that the applicant is ready and willing to cooperate with the Investigating Officer and therefore, it is contended that interim pre-arrest bail order, dated 19.12.2023,

may be made absolute under the same terms and conditions.

5. On the other hand, Mr. KK Das, learned Additional Public Prosecutor, appearing for the State respondent submits that pursuant to the interim pre-arrest bail order dated 19.12.2023, the applicant has appeared before the I.O. and his statement has been recorded. He further submits that the investigation has substantially progressed.

6. Having heard the submissions of the learned counsel for the parties, having gone through the documents placed on record and also perused the case diary with the assistance of Mr. K.K. Das, learned Addl. Public Prosecutor.

7. In view of the materials, so far collected by I.O. in the case diary, and also in view of the fact that pursuant to the interim pre-arrest bail order dated 19.12.2023, the applicant has been cooperating with the investigating agency, this Court is of the view that his custodial interrogation may not be warranted in the interest of investigation. Therefore, this Court is inclined to make the interim order dated 19.12.2023 absolute in the same terms and conditions.

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

JUDGE

Comparing Assistant