

GAHC010287722023



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

Case No. : AB/4302/2023

INDRANIL BARUAH
S/O LATE PRADEEP BHAGAWATI
R/O SIX MILE,
ANANDA NAGAR,
P.S. DISPUR, GUWAHATI, PIN-781028
DIST. KAMRUP (METRO), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R K PRADHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

14.05.2024

Heard Mr. A.K. Saikia, learned counsel for the applicant and Mr. K.K. Das, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Dispur P.S. Case No. 1870/2023**, under Sections 420/406 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, **Indranil Baruah** for grant of pre-arrest bail.

3. The said case has been registered on the basis of an FIR lodged by one Ms. T.J. Loimei Phom, on 25.09.2023. The essence of allegations made in the FIR is that on the request of one Indranil Baruah and his wife, the informant had purchased his TATA Tiago XT, bearing registration No. AS-01-EU-5128, by paying a sum of Rs. 4,45,000/-. But, on 01.09.2023, while she and her husband was waiting near the Nandan Hotel, situated at Paltan Bazar, Guwahati, then suddenly 3/4 persons approached them and by introducing themselves as loan recovery agents, forcefully took the possession of the vehicle. Thereafter, she came to know that said Indranil Baruah had purchased the vehicle on loan, but he failed to make payment of the loan amount and as such, she was duped by him.

4. Mr. Saikia, learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant, vide order dated 22.12.2023, and pursuant to the said order, the applicant had appeared before the I.O. and cooperating with the investigating agency and therefore, it is contended to make the interim order dated 22.12.2023, absolute in the same terms and conditions.

5. On the other hand, Mr. Das, learned Additional Public Prosecutor by producing the case diary before this court, submits that the I.O. has collected some incriminating materials against the applicant. However, Mr. Sarma submits that the applicant had appeared before the I.O. and his statement is recorded and that material part of investigation is almost over.

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 also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

7. In view of 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 that of the progress of investigation, this Court is of the view that 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 **22.12.2023, absolute** in the same terms and condition.

8. In terms of above this AB stands disposed of.

9. The case diary be returned.

JUDGE

Comparing Assistant