GAHC010128852020

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

Case No. : AB/2506/2020

ALOKESH DAS
S/O LT. AMULYA DAS, R/O VILL- SRI KRISHNA NAGAR, P.O. AND P.S. NILAMBAZAR, DIST- KARIMGANJ, PIN-788722, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. F A HASSAN

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN

09.12.2020

By this pre-arrest bail application under Section 438 CrPC, petitioner, namely, Alokesh Das, has sought for pre-arrest bail, in the event of his arrest in connection with CR Case No. 619/2020, under Sections 387/420/406/465/468/471/506 IPC.

Heard the submissions of learned counsel for both the parties.

Also perused the record and the Case Diary.

As per the allegation in the FIR, the present petitioner, who runs the business in partnership with the informant has now threatened the informant by demanding Rs. 30 lacs and otherwise, he will be kidnapped and in this regard, a legal notice has been served upon the petitioner. The informant has,

however, denied any sort of agreement between the parties, as stated by the petitioner. The petitioner, herein, has annexed a copy of bank statement along with the registered copy of the agreement dated 01.04.2011, entered between the parties (registered on 11.08.2011) and also the statement of account of Gramin Bikash Bank, Gandhai Bazar. These documents indicate that there was an agreement between the parties signed by both of them and such a joint account was operated by both the parties since January 2012, till date as on 15th of June, 2020. The authenticity of the document, particularly, the agreement is yet to be decided, which has now been denied by the informant, and the matter appears to have arisen out of business rivalry. Hence, custodial interrogation of the petitioner appears to be not required .

Considering all entirety of the matter, the interim bail order dated 12.10.2020, is hereby made absolute.

Anticipatory Bail Application stands disposed of.

Return the Case Diary.

JUDGE

Comparing Assistant