

GAHC010021602024



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

**Case No. : AB/247/2024**

DHANANJOY DHAR  
S/O- BHULANATH DHAR, R/O- VTC. SAPKAIT NO. 2, P.O. NILMONI TE  
TINGKONG, DIST. DIBRUGARH, ASSAM, PIN- 786612.

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. N BORUAH**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE  
HON'BLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**12.02.2024**

Heard Mr. N. Baruah, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under Section 438 Cr.P.C. is preferred by the applicant, namely, Dhananjoy Dhar, who has been apprehending arrest in connection with Nagaon Sadar P.S.

Case No.17/2024, under Section 420/379 IPC, 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 Smt. Munmi Deuri on 04.01.2024. The essence of allegation made in the aforesaid FIR is that on that day she was proceeding from her residence at Ganeshguri towards Amoni of Nagaon in her vehicle, bearing Registration No.AS-01AY-1786 and at Khanapara two persons, one of whom was her friend and the other one is the brother of her friend, and the friend of her friend driven the vehicle having boarded the vehicle, and at about 7:00 a.m. she reached at Nagaon and parked her vehicle near a Hotel to have a cup of tea and after sometime driver of the vehicle came out from the hotel and he informed her that the vehicle is not available there and the friend of her friend Dhananjoy Dhar and who identified him as his brother and was allowed to drive the vehicle, fled away with the vehicle, while she was having tea at Morigaon Bus station and one ATM card and Aadhar Card along with ₹ 2,00,000/- are there inside the vehicle.

4. Mr. Baruah, learned counsel for the applicant submits that the applicant is innocent and no way involved with the offence alleged in the FIR and he is ready to cooperate with the investigating agency and that on 28.10.2023 the applicant had lodged one FIR against three persons, namely, Ashok Kumar Dey, Munmun Deuri and Jiten Boro, for cheating him of ₹ 2,95,000/- and that he is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the vehicle of the informant is yet to be recovered and the investigation is going on and therefore, Mr. Sarma contended to dismiss the petition.

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. Sarma, learned Additional P.P.

7. However, in view of the materials collected so far in the case diary and also in view of the submission of learned Advocates of both sides, this Court is inclined to allow this petition. It is provided that in the event of arrest of the applicant, namely, Dhananjoy Dhar, in connection with Nagaon Sadar P.S. Case No.17/2024, under Section 420/379 IPC, he shall be enlarged on pre-arrest bail on his executing a bond of ₹ 50,000/- with one surety of the like amount to the satisfaction of the arresting authority. The above privilege is, however, subject to the following conditions:-

- (i) The applicant shall make himself available for interrogation by the Investigating Officer as and when required;
  - (ii) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
  - (iii) The applicant shall not leave the jurisdiction of the learned C.J.M., Nagaon, without prior permission.
8. In terms of above, this anticipatory bail application stands disposed of.
9. Case diary be returned.

**Sd/- Robin Phukan  
JUDGE**

**Comparing Assistant**