

GAHC010018822024



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

Case No. : AB/241/2024

OLIVIA MAJUMDAR
DAUGHTER OF SRI UTTAM MAZUMDAR, RESIDENT OF 83/14, MALLICK
COLONY, DUMDUM ROAD, P.O. MOTIJHEEL, DIST.- NORTH 24 PARGANAS,
WEST BENGAL

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P., ASSAM

Advocate for the Petitioner : MR. B HALDAR

Advocate for the Respondent : PP, ASSAM

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

ORDER

16.02.2024

Heard Mr. B. Haldar, learned counsel for the applicant and also heard Mr. R.J. Baruah, 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,

Olivia Majumdar, who has been apprehending arrest in connection with Satgaon P.S. Case No.1/2024, under Section 384/506 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 Naba Deka on 30.12.2023. The essence of allegation made in the aforesaid FIR is that the informant had friendly relationship with a lady, namely, Olivia Majumdar of Mallick Colony of North 24 Pargana district, West Bengal, for more than 4/5 months. But in the month of November, 2023 she has started demanding money from him by blackmailing him and he has paid a sum of ₹ 7,00,000/- to her and on 19.12.2023, she had demanded a sum of ₹ 12,00,000/- and a flat from him for final settlement otherwise she will take step to defame him.

4. Mr. Haldar, learned counsel for the applicant submits that the applicant is innocent and that she is no way involved with the offence alleged in the FIR and that she is ready to cooperate with the investigating agency and therefore, it is contended to allow this petition.

5. On the other hand, Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the I.O. has achieved some progress in the investigation of this case. However, Mr. Baruah fairly submits that except the statement of the informant, the other witnesses have not implicated the present applicant with the offence alleged in the FIR.

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. Baruah, learned Additional P.P.

7. It appears that the I.O. has achieved substantial progress in the investigation of this case. It also appears that there was friendly relationship between the applicant and the informant and in the given facts and circumstances and also in view of the material collected so far in the case diary, custodial interrogation of the applicant seems to be unwarranted here in this case. Therefore, this Court is inclined to allow this petition.

8. It is provided that in the event of arrest of the applicant, namely, Olivia Majumdar, in connection with Satgaon P.S. Case No.1/2024, under Section 384/506 IPC, she shall be enlarged on pre-arrest bail on her 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 herself 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., Kamrup(M), without prior permission.
9. In terms of above, this anticipatory bail application stands disposed of.
10. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant