

18.11.2020

The bail petition no. 751/2020 is filed u/s 438 CrPC by the petitioner, Sri Ridip Das in connection with Behali PS Case No. 97/2020 u/s 447/294/384/506 IPC apprehending arrest in the instant case.

Heard learned counsel for both the sides.

The learned counsel for the petitioner submitted that the petitioner is innocent but he apprehends arrest in this case. He submitted that two FIRs on the same offence have already been lodged and the Office of the ASTC has filed this instant FIR in order to shield their own fault.

The case diary as called for is received. Perused the same.

The informant is the Station Superintendant of ASTC, Biswanath Chariali. In his 'ejahar' the Superintendant states that the ASTC and the Govt. of Assam have undertaken a development project to construct bus station at Bargang and accordingly an order for dismantling and auction of old office building was awarded to one Mukut Bhattacharya. But he was reported by Mr. Bhattacharya at 2.30 of 26.10.2020 that the accused petitioner entered the sub-station premises and threatened the labourers working there by using abusive language. Mr. Bhattacharya too reported to him that the accused petitioner tried to extort money from him.

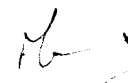
The case diary shows none of the witnesses examined till date have stated that any of them had delivered any money to the accused petitioner on being threatened by him. Taking note of the same and the nature of the allegations made against the accused petitioner, I find that custodial interrogation of the accused petitioner is not called for. This is a fit case wherein the benefit of pre-arrest bail can be extended to the petitioner.

Accordingly, the O/C of Behali P.S. is directed to release the petitioner in the event of his arrest in connection with the instant case, after obtaining a bail bond of Rs.10,000/- with one surety of the like amount on the conditions that- (1) the petitioner shall surrender before the O.C. of the concerned P.S. within two days, (2) the petitioner shall make himself available for interrogation by the Investigating Officer as and when required, (3) he shall not hamper the investigation or tamper with the evidence of the case, (4) he 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/her from disclosing such facts to the Court or to the Investigating Officer.

Inform the O/C of the concerned P.S.

Send back the case diary.

The Misc. Case is disposed of, accordingly.



*[Faint handwritten text]*