

Crl. Misc. (B) Case No. 222/2022

07.07.2022

The case is fixed today for order.

This Crl. Misc. (B) Case has arisen from a bail application filed u/s 438 Cr.P.C. by the accused/petitioners Papu Konwar and Nabajyoti Gogoi praying to grant them pre-arrest bail in connection with Moran P.S. Case No. 65/2022, u/s 341/342/419/379 of IPC, added Section 384/392 of IPC.

The allegation made in the FIR dated 07.06.2022 of one Litul Bora is that on that day, while his brother Dhurbajyoti Bora and Ananda Gogoi were on their way to Lahowal with a Power Tiller Tractor, three unknown persons came in a Hyundai vehicle and stopped them at Lengeri, and by introducing themselves as CID personnel threatened Dhurbajyoti Bora and Ananda Gogoi of taking them to the police station, and by making them sit inside their Hyundai vehicle snatched their wallets and mobiles. Two of those unknown persons took both of them in their Hyundai vehicle to near Khanikar and brought them back, but by that time the Tractor had been taken away to some unknown location. Those persons also took the signatures of both on a paper by affixing revenue thereon. Thereafter those persons asked Ananda Gogoi to go home and told him that they were taking Dhurbajyoti Bora to Guwahati and then they left that place.

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After some time, Dhurbajyoti Bora informed from an unknown mobile number that those persons had alighted him from their vehicle at Moran and by scaring him taken his ATM PIN and withdrawn money and gone away.

It is stated in the bail application that the accused/petitioner got a contract in Sonari for making false ceiling and electricity wiring in a building premises of one Sujit Konwar and accordingly they engaged one Jayanta Gogoi (a mechanic) and his helper workers in the said work. On 06.06.2022 Jayanta Gogoi and his workers took false ceiling and electric wiring goods to Sonari for starting their work in the said premises through the vehicle of the wife of Papu Konwar and they returned the vehicle on 07.06.2022. Thereafter, it could be learnt that the police of Moran P.S. arrested Jayanta Gogoi on 09.06.2022 in the above case. As such, for the pressure and fear of the police personnel, Jayanta Gogoi might bring the names of the accused/petitioners. It is submitted that the accused/petitioners are quite innocent and they are apprehending police arrest and torture in the name of investigation.

A perusal of the case diary shows that the investigation started on the basis of G.D.E. No. 109 dated 07.06.2022 of


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Bamunbari O.P. Subsequently, the above-mentioned case was registered on receipt of the Ejahar. I have gone through the statements of the complainant and the victims. I have also gone through the statement of the accused Jayanta Gogoi who was arrested in connection with the case. Sufficient incriminating materials have surfaced against the accused/petitioners during the investigation. The investigation is in progress. Considering the nature of the allegation, incriminating materials in the case diary and the progress of investigation, granting of pre-arrest bail to the accused/petitioners is not felt justified. Accordingly, the pre-arrest bail prayer of the accused/petitioners stands rejected.

Send back the case diary along with a copy of this order.

This Crl. Misc. (B) case is accordingly disposed of.


Addl. Sessions Judge,
Addl. District & Sessions Judge
Dibrugarh