

CNR No. ASKM010018832026

ORDER-SHEET
IN THE COURT OF THE SESSIONS JUDGE, KAMRUP (M), ASSAM,
GUWAHATI

Present:-Sri G.Baruah, AJS

AB 132/2026

Date	Order	Signature
16.07.2026	1. I.O. has furnished case diary in connection with the pending pre-arrest application filed under section 482 BNSS by the petitioner Kamal Jyoti Chetia @ Amal Jyoti Chetia praying for granting him pre-arrest bail in connection with Noonmati PS case No.50/2026 under Section 406/420/416/468/471 of IPC. 2. Prosecution case in short is that on 27.03.2026 one Kanak Chandra Das lodged an FIR against the accused petitioner inter alia alleging that he is taken Rs.6,50,000/- on 24.02.2024 promising to provide him a license of wine shop. It is alleged that accused petitioner Kamal Jyoti Cheita @ Amal Jyoti Chetia has misappropriated the amount by causing fraud upon the informant. 3. Along with the case diary, I.O. has annexed written bail objeciton. In his objection, I.O. has submitted that investigating officer has duly served notice under Section 35 (3) of BNSS upon the accused person but the accused person intentionally failed to appear before the I.O. without any reasonable	

explanation. It is further submitted that on earlier occasion, interim protection was granted under Section 482 of BNSS with a direction to the accused person to appear before the I.O. within one week and to fully cooperate with the investigation but the accused failed to appear before the I.O. It is submitted that the previous prayer of pre-arrest bail application was rejected by this Court after perusal of case diary. I.O. submitted that custodial interrogation of the accused person is necessary for recovery of mobile phone, laptop and other electronic devices used for commission of the offence, recovery of forged Excise license, other digital evidence including Email, Template etc. recovery of cheated amount of Rs.6,50,000/- etc.

4. Learned counsel appearing for the accused person submitted that entire case of the prosecution rests primarily on digital and documentary evidence for which custodial interrogation is not necessary. It is further submitted that no offence has been committed as alleged in the FIR. It is further submitted that the accused petitioner is ready to fully cooperate with the investigation.
5. It is to be noted that on earlier occasion, the accused petitioner was granted interim bail in AB No.85/2026 with a direction to appear before the I.O. and to cooperate with the investigation. However, the pre-arrest bail application was rejected as the accused petitioner did not appear before the I.O. as per direction of this Court.

	6. On perusal of the case diary, it reflects that the FIR was lodged on 27.03.2026, but the case was registered under Section 406/420/416/468/471 of IPC as the alleged incident took place on 24.02.2024. 7. Perusal of case diary reflects that I.O. during course of investigation has recorded the statement of the informant and other witnesses including two witnesses who were present at the time of handing over money by the informant to the accused petitioner. From the note of the I.O. it appears that the accused petitioner dishonestly induced the informant to pay Rs. 6,50,000/- to the accused petitioner with a false promise of arranging wine shop license through his influence and contacts in the Assam Excise Department. 8. Case diary categorically reflects that in spite of notice issued under Section 35(3) of BNSS, the accused petitioner has not appeared before the I.O. Case diary also reflects that on an earlier occasion, interim protection was given to the accused petitioner with a direction to appear before the I.O. but the accused petitioner did not appear before the I.O. in spite of direction from this Court. 9. Case diary reflects prima facie materials against the accused petitioner. Case diary also reflects the tendency of the accused petitioner to avoid the process of law by not cooperating with the investigation.	
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	10. After taking into consideration all the above facts, this Court is of the view that it is not a fit case to grant pre-arrest bail in favour of the accused petitioner. 11. Accordingly the pre-arrest bail application is rejected. 12. Send back the case diary with a copy of this order.	
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