

GAHC010027012026



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

Case No. : AB/314/2026

SUMIT DAS
S/O LATE ABHIRAM DAS, R/O VILL. BONGAON BENGALI PATTI, P.O.
BONGAON, P.S. DERGAON, DIST. GOLAGHAT, ASSAM 785611

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM.

Advocate for the Petitioner : MR S BORTHAKUR, MR. D GOGOI,DEVABRATA SAIKIA

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE ANJAN MONI KALITA**

ORDER

Date : 13.02.2026

Heard Mr. S. Borthakur, learned counsel appearing for the applicant. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor, Assam appearing for the State respondent.

2. This is an application under Section 482 of BNSS, 2023, for granting pre-arrest bail to the accused/applicant in connection with **Dergaon Police Station Case No. 17/2026** registered under **Section 126(2)/351(2)/304/108/3(5)** of the BNSS, 2023 read with Section 4 and Section 5 of the Prevention of Money Laundering Act, 2002.

3. The allegation as contained in the FIR dated 19.01.2026 is, inter-alia, that the informant's brother took a loan of Rs. 2,50,000/- from the accused/applicant namely, **Sri Sumit Das** and it was alleged that since the brother of the informant was unable to return the money despite repeated requests by the accused/applicant, the brother of the informant, namely Sri Mondeep Bora after consuming some poisonous substance used in the tea garden, committed suicide.

4. Mr. S. Borthakur, learned counsel for the accused/applicant submits that, in fact, there was agreement between the deceased person and the accused/applicant for the loan amount and the same was supposed to be returned to the accused/applicant in time, however, since the money has not been returned by the deceased person, the accused/applicant has requested him couple of times to

return the said amount. He further submits that the action of demanding or requesting money which has been taken by the deceased person is not an offence and that certainly cannot be termed as abetting suicide of a deceased person.

5. In view of the aforesaid, he submits that at this stage interim protection should be granted to him and he will fully co-operate with the investigation in the instant case.

6. Mr. K. K. Parasar, learned Additional Public Prosecutor, Assam appearing for the State respondent opposes to the granting of interim protection at this stage.

7. After hearing the submissions of the learned counsel for the respective parties as well as going through the materials brought on record, this Court is of the considered opinion that interim protection should be granted to the accused/applicant at this stage. Accordingly, it is directed that, in the event of the arrest of the accused/applicant by the Investigating Officer in connection with **Dergaon Police Station Case No. 17/2026**, he shall be allowed to go on interim pre-arrest bail on furnishing bail bond of **Rs. 20,000/-** (Rupees Twenty Thousand) with surety of the like amount, to the satisfaction of the arresting authority, subject to the following conditions:-

- i) The accused/applicant shall appear before the Investigating Authority within a period of 10 (ten) days of passing of this order; ;
- ii) The accused/applicant will co-operate with the investigation;

- iii) The accused/applicant shall appear before the Investigating Authority as and when call for.
- iv) The accused/applicant shall not try to hamper or temper with the evidence involved in the instant case.

8. Let the matter be listed on 09.03.2026.

JUDGE

Comparing Assistant