

GAHC010037062026



2026:GAU-AS:3865

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

Case No. : AB/422/2026

SRI CHANDAN SAHA
SON OF LATE PARESH SAHA RESIDENT OF - WARD NO. 9, DHEKIAJULI
TOWN, P.O. P.S. DHEKIAJULI DISTRICT - SONITPUR, ASSAM, MOBILE NO.
9706248822

VERSUS

STATE OF ASSAM
REP, BY THE PP, ASSAM

Advocate for the Petitioner : MR M R ADHIKARI, MS M BORAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 17-03-2026

Heard Mr. R.K. Sharma, the learned Senior Advocate assisted by Ms. M. Borah, the learned counsel for the petitioner. Also heard Mr. P. Borthakur, the learned Additional Public Prosecutor appearing on behalf of State respondent.

2. This is an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Dhekiajuli P.S. Case No. 316/2025 corresponding to G.R. Case No. 1734/2025 registered under Section 108 of BNS, 2023.

3. Case Diary received. Perused the same.

However, it is submitted by Mr. Borthakur that Post Mortem Report is not available in the Case Diary though the statements of the witnesses are available in the Case Diary.

4. Mr. Sharma, the learned Senior Advocate submitted in this regard that the present accused/petitioner is innocent and he is no way connected in the alleged offence. It is a fact that the present petitioner along with the other accused/persons and the deceased himself were the members of a Self Help Group, namely, Seuj Nayan Farmer Producer Co. Ltd.” and subsequently there was an embezzlement of fund of Rs. 46 lakhs wherein it is alleged that the deceased is involved in the said embezzlement and for that reason only after getting some pressure for refund of the money, he may committed suicide. But, the present accused/petitioner is not at all involved in the alleged offence. However, he is ready and willing to extend his cooperation in the investigation of this case, if he is provided with the privilege of pre-arrest bail.

5. Mr. Borthakur, the learned Additional Public Prosecutor submitted in this regard that it is a fact that the deceased along with the present petitioner and some others who were the members of the Self Help Group, wherein it was alleged that about Rs. 46 lakhs was misappropriated by the deceased and some of the persons also put pressure on him for return of the money. But, from the

materials available in the Case Diary as well as from the suicide note, it is seen that the present petitioner was trying to settle the matter between the other members of the Self Help Group. However, he demanded Rs. 1.5 lakhs for such settlement. Thereafter, the deceased by preparing a suicide note had committed suicide in this case. However, it is submitted by Mr. Borthakur that his custodial interrogation may be required for the purpose of investigation.

6. Hearing the submissions made by learned counsels for both sides, considering the materials available in the Case Diary and other aspects of the case, this Court is of the opinion that the privilege of pre-arrest bail can be granted to the present petitioner with a direction to cooperate with investigation of this case.

7. Accordingly, it is provided that in the event of arrest of the accused/petitioner, namely, Sri Chandan Saha in connection with Dhekiajuli P.S. Case No. 316/2025 corresponding to G.R. Case No. 1734/2025 registered under Section 108 of BNS, 2023, he shall be enlarged on interim pre-arrest bail on his executing a bond of Rs. 50,000/- (Rupees Fifty thousand) only with one surety of like amount to the satisfaction of the arresting authority, subject to the following conditions:-

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer within 7(seven) days;
- (ii) that the petitioner shall fully co-operate with the investigation of the case and shall appear before the Investigating Officer as and when required in connection with the investigation of the aforesaid P.S. case; and

- (iii) that the petitioner shall not, directly or indirectly, make any inducement, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/them from disclosing such facts to the Court or to any police officer.

8. The anticipatory bail application stands disposed of.

9. Send back the Case Diary.

JUDGE

Comparing Assistant