

GAHC010201062025



undefined

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

Case No. : AB/2184/2025

MONJIT PATHAK
SON OF SRI TRAILOKYA PATHAK
RESIDENT OF HOUSE NO. 03, M.G. ROAD, UZANBAZAR, P.S. LATASIL
PIN-781001, KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N N B CHOUDHURY, MS. K DEY, MR P K BASU

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

05.09.2025

Heard Mr. N.N.B. Choudhury, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Addl. Public Prosecutor for the State respondent.

2. By this application, the petitioner has prayed for pre-arrest bail in

connection with Mangaldoi Police Station Case No. 0169/2025 registered under Section 303(2)/318(4)/336(3)/61(2) of the BNS, 2023.

3. The FIR dated 27.08.2025 reveals that a D.G set of the informant was taken on rent for an amount of Rs. 50,000/- by executing an agreement stating therein that the said machine will be used for the purpose of running an abandoned energy station near a Dhaba in Mangaldoi and when the informant went to the said Dhaba, he came to know that his D.G set was in fact misappropriated and on source information, he came to know that one Samsul Ali in connivance with his friends had stolen the D.G set and sold it to some other persons.

4. Mr. N.N.B. Choudhury, learned counsel for the petitioner submits that the petitioner has no role in the said offence and that the D.G set was in fact sold by one Deep Das to one Bhabesh Mahanta by executing an agreement on 07.07.2025. He also submits that a notice under Section 35(1) was given to him by the Investigating Officer of the said case.

5. Mr. P. Borthakur, learned Addl. Public Prosecutor for the State respondent however submits that the Case Diary may be called for in order to see the actual occurrence of the incident and has prayed for calling of the same.

6. On considering the submissions made by the learned counsels and on perusal of the FIR as well as the agreement, this Court deems it fit that the petitioner may be released on interim pre-arrest bail on furnishing bail bond of Rs. 20,000/- with 1 local surety of like amount to the satisfaction of the arresting authority under the following conditions:-

1. The petitioner will appear before the Investigating Officer within 7 (seven) days from today and will make himself available for

interrogation as and when called for.

2. The petitioner will not temper with the evidence or influence any other witnesses.
3. The petitioner will not leave his place of residence without prior permission of the arresting authority.

7. Call for the Case Diary.

8. List the matter on 28.10.2025.

JUDGE

Comparing Assistant