

GAHC010191112020



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

Case No. : AB/3825/2020

RAJIB PARASAR
S/O LATE BIREN CHANDRA BARUA, P/R/O VILL-RONGA CHAKUA, P.S.-
JAMUGURIHAT, DIST-SONITPUR, ASSAM, P/R/A J.K. APARTMANT,
SIXMILE, DISPUR, GUWAHATI, DIST-KAMRUP(M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. D BORA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

31-03-2021

Heard Mr. A. Choudhury, learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned Addl. Public Prosecutor, Assam appearing for the State respondent.

This petition under Section 438 Cr.P.C., is filed for granting the privilege of

pre-arrest bail to the petitioner, namely, **Rajib Parasar**, apprehending arrest in connection with **Dibrugarh P.S. Case No. 2150/2020** registered under Sections **120B/420/409/406/506** of the IPC.

The Case diary, as called for, is placed before the Court.

It may be mentioned that by order, dated 19.01.2021, this Court granted the privilege of interim pre-arrest bail to the petitioner subject to conditions.

The F.I.R. reveals that in the month of December, 2016 one Bhola Tewari, the driver of Dr. Ajanta Hazarika, took the informant to the chamber of Dr. Ajanta Hazarika to give employment of his son, namely, Sri Binimoy Nath and accordingly, Dr. Ajanta Hazarika asked him to pay security money of Rs. 6 lakhs against the job providing to his son in the Railway Department. She provided the informant a Bank account number of one Rajib Parasar and asked to deposit Rs. 3 lakhs and accordingly the informant deposited the same in the said account number and he also paid another amount of Rs. 3 lakhs in the bank account of Dr. Ajanta Hazarika. After taking such amount Dr. Ajanta Hazarika neither provided employment to his son nor refunded the aforesaid security money and misappropriated the entire amount by committing fraud. It comes to light that the accused persons took huge money from poor people for giving them employment in the Railway Department and cheated them by committing fraud.

On scrutiny of the case diary, it is prima facie revealed that the present petitioner and another were directly involved in the alleged monetary transactions with the job seekers. The FSL report is yet to be received. However, the investigation is subsequently progressed.

The petitioner has appeared before the investigating officer and has given his statement under Section 161 Cr.P.C. There is no adverse report from the investigating officer against him and he is co-operating in investigation. Therefore, this court finds his custodial interrogation not warranted in the interest of ongoing investigation.

Accordingly, the interim pre-arrest bail granted vide order, dated **19.01.2021** is hereby made absolute, subject to the following conditions-

(I) That the petitioner shall co-operate in investigation as and when required;

(II) That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and

(III) That the petitioner shall not hamper or tamper with the investigation in any manner.

Return the case diary.

This disposes off the anticipatory bail application.

JUDGE

Comparing Assistant