

GAHC010228632021



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

Case No. : AB/4433/2021

LOKAM PETER
S/O LATE LOKAM CHAGAR
R/O POLO COLONY,
P.O. NAHARLAGUN, PAPUMPARE
ARUNACHAL PRADESH, PIN-791110

VERSUS

THE STATE OF ASSAM
REP. BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR. K M MAHANTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 29-12-2021

Heard Mr. K. Mahanta, learned counsel for the petitioner and Ms B. Bhuyan, learned Addl. P.P. Assam for the respondent.

This is an application under Section 438 of the Cr. P.C. filed by the petitioner, namely, Sri Lokam Peter praying for pre-arrest bail in connection with Boginadi P.S. Case No. 310/2021 registered under Section

420/406/403/506/34 of the IPC.

The informant has an agreement with the O.P. No. 1, by which, one excavator was handed over to the informant on rent. The rent was Rs. 2,50,000/-. It is alleged that the O.P. No. 1 handed over the excavator to the present petitioner and now he has been using the excavator in another location. The informant claimed that if the excavator is used in another location, the rent will be Rs. 3,50,000/- and thereby the informant claims that the O.P. No. 1 has not paid the money.

On a plain reading of the FIR, it is clear that the entire transaction is of civil dispute and the informant has the liberty to approach the appropriate forum.

Considering the aforesaid facts, this court is of the further opinion that the petitioner does not deserves to be detained in custody for the allegation brought against him. Therefore, the prayer for pre-arrest bail of the petitioner is allowed.

Accordingly, it is hereby directed that in the event of arrest of the petitioner named above shall be released on pre-arrest bail of Rs. 25,000/- with a suitable surety of the like amount to the satisfaction of the arresting authority.

The petitioner shall appear before the Investigating Officer of the concerned police station within 10 days from today.

Bail application is disposed of.

JUDGE