

Present: : **Sri S.K. Kabra**
Addl. District and Sessions Judge (FTC)
Dibrugarh

Criminal Misc. (B) Case No. 687/2021

Order

01.12.2021

This is a petition u/s 438 of CrPC for granting liberty of pre-arrest bail to the petitioner/accused Sri Ashish Kumar Kanoo, who is apprehending arrest, in connection with Dibrugarh P.S. Case No. 2017/2021, registered u/s 120(B)/448/387/354/323/506 of IPC.

Perused the FIR and also the documents annexed with the petition.

Case Diary called for has been received and I have perused the same.

I have heard both the parties.

Informant lodged ejahar stating that on 17.10.2021 the above-named accused person along with his associates entered into her house and demanded Rs. 2 lakhs and told that in case the demand is not fulfilled the accused person along with his associates shall implicate the husband of informant in some heinous offences. It is further stated that putting the informant in fear of life and liberty, accused forcefully took Rs. 10,000/- from her at about 7:30 pm. It is also stated that after a while at about 8:30 pm said accused person with his two associates again came to her house and started threatening and abusing her with obscene words; and they also used illegal force to outrage her modesty and assaulted her with fist and blow. It is stated that at that moment one Shri Ajoy came and rescued her from the accused persons.

During the course of hearing, it is submitted by the learned counsel for the accused that the accused, being the whistleblower against the illegal betting business of the husband of the informant (Sri Jiten Sah), has been falsely implicated by the wife of Jiten Sah. Along with the bail petition, FIR lodged against the husband of the informant for illegal betting by the accused person being Dibrugarh P.S. Case No. 1976/2021, is also annexed.

On the other hand learned Addl. PP has opposed the bail petition.

Record reveals that FIR was lodged on 19.10.2021 i.e. after two days of the alleged incident. It appears from the record that Sri Ajoy reached at informant's house at around 7:30 pm and saw accused hurling abuses upon informant but he did not interfere in the matter. And after the accused person left he came to know about the matter from the informant. I have also considered the statement of informant and her husband recorded by the police with respect to extorting money by the accused person from informant.

After considering the entire material on record, including the FIR, documents annexed with the bail petition, nature of accusation and nature material already collected by the I.O., I am of the view that custodial interrogation may not be required in the present case. **Hence the present pre-arrest bail petition of the accused Sri Ashish Kumar Kanoo is allowed.** It is provided that in the event of arrest of the petitioner/accused Sri Ashish Kumar Kanoo in connection with abovementioned case, the petitioner above named shall be released on bail on furnishing bail bond of Rs. 20,000/- with one suitable surety of like amount to the satisfaction of the arresting authority.

The pre-arrest bail is allowed with further conditions that:-

- a) The petitioner/accused shall appear before the investigating officer within 10 (ten) days from today and cooperate with the investigation.
- b) The petitioner shall not directly or indirectly make any inducement or threat to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the court or any police officers.

Send back the case diary with a copy of this order to the Dibrugarh P.S. for information and necessary action.

Accordingly, the pre-arrest bail petition is disposed of.



Addl. District & Sessions Judge (F.T.C.)

Dibrugarh

Addl. District & Sessions Judge (F.T.C.)

Dibrugarh

C/D Retm
645/21
03/12/21

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