

GAHC010058862024



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

Case No. : AB/767/2024

DEBOBRATA PAUL
S/O SAMIRON PAUL, R/O LALA TOWN WARD NO. 7, P.O. AND P.S.-LALA,
PIN-788163, DIST- HAILAKANDI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

14.05.2024

Heard Mr. R.A. Choudhury, learned counsel for the applicant and also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Panchgram P.S. Case No.106/2023 under

Section 120B/379/411 IPC, this application under Section 438 Cr.P.C. is preferred by the applicant, namely, Debobrata Paul, for grant of pre-arrest bail.

3. It is to be noted here that the above-noted case has been registered on the basis of an FIR lodged by ASI Chandramani Singha, on 17.12.2023. The essence of allegation made in the aforesaid FIR is that on 17.12.2023 during Naka checking, he has intercepted one 1109 Ashok Leyland Truck, bearing Registration No.AS-11AC-3747, which was coming from Algapur side towards Dholeswar and recovered 73 bags of suspected Burmese Suparis and seized the same in presence of witnesses and apprehended two persons, namely, Giyas Uddin Laskar and Fakrul Islam Barbhuiya.

4. Mr. Choudhury, learned counsel for the applicant submits that the applicant is the owner of the vehicle, bearing Registration No.AS-24AC-3747, but the same has wrongly been mentioned in the FIR as AS-11AC-3747. Subsequently, the same was corrected by the police and that the vehicle has already been given in the custody of the applicant and this Court vide order dated 27.03.2024 was pleased to extend the privilege of interim pre-arrest bail to the applicant and pursuant to the said order, he had appeared before the I.O. and cooperating with the investigating agency. Mr. Choudhury further submits that pursuant to an agreement dated 21.09.2023, the present applicant has given the said vehicle to one Joydip Das on rent and since then, the vehicle is in possession of Joydip Das and the present applicant has no control over the same and therefore, Mr. Choudhury contended to make the interim order dated 27.03.2024, absolute, in the same terms and conditions.

5. On the other hand, Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and confirmed appearance of the applicant before the I.O. and recording of his statement. Mr. Gogoi further submits that the investigation of this case is going on and custodial interrogation of the present applicant may not be required in the interest of investigation, as he has been cooperating with the

investigating agency.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Gogoi, learned Additional P.P.

7. In view of the materials collected so far in the case diary as well as progress of investigation and also in view of the cooperation being extended by the applicant with the investigating agency, this Court is of the view that his custodial interrogation, in the interest of investigation, may not be required and therefore, this Court is inclined to make the interim order dated 27.03.2024, absolute, in the same terms and conditions. Case diary be returned.

8. In terms of above, this anticipatory bail application stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant