

GAHC010003202024



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

Case No. : AB/41/2024

APSANA BEGUM @ BHANTI
W/O. LT. KASIM ALI, R/O. UNB ROAD, SILPHUKRI, P/S. CHANDMARI, DIST.
KAMRUP (M), ASSAM. GHY- 781003

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

23.01.2024

Heard Mr. S. Munir, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Chandmari P.S. Case No.01/2024, under

Section 380 IPC, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Apsana Begum @ Bhanti, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Kankan Das on 31.12.2023. The essence of allegation made in the aforesaid FIR is that on 24.12.2023, at night, one person committed theft in Shri Shri Siddhi Binayak Hanuman Mandir, situated at Silpukhuri and thereafter, on 27.12.2023, theft was also committed near the house of the mandir and with the help of CCTV footage of the camera installed in the house of one Manoj Sarma, the thief was apprehended and the thief admitted that he sold the stolen articles to a lady, namely, Bhanti of Gandhibasti.

4. Mr. Munir, learned counsel for the applicant submits that this Court vide order dated 08.01.2024 was pleased to extend interim protection to the applicant and pursuant to the said order, the applicant had appeared before the I.O. and she has been cooperating with the investigating agency and therefore, Mr. Munir submits that the interim order, dated 08.01.2024, may be made absolute, in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, also submits that the investigation of the case has progressed significantly and the applicant has been cooperating with the investigating agency. However, Mr. Sarma submits that some materials are there in the case diary to show the complicity of the applicant with the offence alleged in the FIR.

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. Sarma, learned Additional P.P.

7. It is not in dispute that the applicant had appeared before the I.O. and she has been cooperating with the investigating agency. Further, it appears from the case diary that the I.O. has achieved significant progress in the investigation of this case and in that view of the matter, custodial interrogation of the applicant seems to be not warranted here in this case and therefore, the interim order dated 08.01.2024, is hereby made 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