

GAHC010022382024



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

Case No. : AB/255/2024

BHIBHU PAUL @ BIBHASH PAUL
S/O LATE BINOD BIHARI PAUL, R/O VILL-BAGARGOOL, P.O.-RAKESH
NAGAR, P.S.-KARIMGANJ, DIST-KARIMGANJ (ASSAM), PIN-788701

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. D P BORAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

09.04.2024

Heard Mr. B. Paul, learned counsel for the applicant and also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Karimganj P.S. Case No.988/2023, under Section 120B/143/333/332/186/353/307/294/392 IPC, read with Section 13/14 of the

Assam Game and Betting Act, read with Section 53(1)(a) of the Assam Excise Act, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Bhibhu Paul @ Bibhash Paul, 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 S.I. Dulu Boro of Kaliganj WP/PP, on 30.12.2023. The essence of allegation made in the aforesaid FIR is that acting on a tip off, the informant along with other police staff conducted raid in the shop of Jay Hari Das, situated at Bagargul Bazar, under Kaliganj on 29.12.2023, they have found him playing dice and board and seeing the police party they started running and managed to escape and then they have apprehended one Amiyo Paul and Rajesh Paul from the shop of Jay Hari Das and recovered 40 nos. of McDowell Rum, 20 nos. of McDonald No.1, one black coloured TVS Raider Motorcycle with key and one red coloured Hero Pleasure+ Scooty and mobile phones and seized the same in presence of witnesses and while they were conducting raid in the said shop, then 20 to 30 people, who assembled there unlawfully with criminal conspiracy, assaulted the police personnel present there and tried to kill the driver of the vehicle by strangling his neck and they also rebuked them with abusive words and they stolen the mobile phone of the driver of their vehicle.

4. Mr. Paul, learned counsel for the applicant submits that this Court vide order dated 02.02.2024 was pleased to extend the privilege of interim pre-arrest bail to the applicant and pursuant to the said order, the applicant had appeared before the I.O. and cooperating with the investigating agency and therefore, a contention is being made that the interim order dated 02.02.2024, may be made absolute, in the same terms and conditions.

5. On the other hand, Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and confirmed that the applicant had appeared before the I.O. and cooperating with the investigating agency. However, Mr. Baruah has opposed the petition on the ground that the I.O. has collected sufficient incriminating materials against the present applicant.

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. Baruah, learned Additional P.P.
7. It appears that the applicant was granted the privilege of pre-arrest bail vide order dated 02.02.2024 and he had appeared before the I.O. and cooperating with the investigating agency. Though the I.O. has collected some incriminating materials, during investigation, against the present applicant, yet, in view of the cooperation being extended by him to the investigating agency, his custodial interrogation seems to be not warranted here in this case and therefore, this Court is inclined to make the interim order dated 02.02.2024, 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