

GAHC010001202024



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

**Case No. : AB/39/2024**

AJAY PUGALIA  
S/O LATE NAWARATN PUGALIA,  
R/O 1, BRITISH INDIAN STREET,  
KOLKATA-700069 IN THE DISTRICT OF KOLKATA, WEST BENGAL.

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR G N SAHEWALLA**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HON'BLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**07.02.2024**

Heard Mr. M. Sahewalla, 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 Kalain P.S. Case No.532/2023, under

Section 420/406 IPC, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Ajay Pugalia, 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 the Assistant Fund Control Officer (I/C) of A.T.E.P.F. Organisation, Karimganj Inspectorate Office, on 13.10.2023. The essence of allegation made in the aforesaid FIR is that the applicant, being the Director of Loobah Company Ltd., has failed to deposit provident fund contributions deducted from the wages of the workers of Kallaincherra Tea Estate (C-54) amounting to ₹ 28,71,252.85 for the period from 26.09.2020 to 23.08.2023 and that the accounts for the subsequent period also have not been submitted by the employers to his office.

4. Mr. Sahewalla, learned counsel for the applicant submits that this Court vide order dated 09.01.2024 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 09.01.2024, may be made absolute, in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the applicant had appeared before the I.O. and his statement is also recorded. However, Mr. Sarma submits that the I.O. has collected sufficient incriminating materials against the applicant and therefore, it is contended to dismiss the petition.

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 appears that the I.O. has collected sufficient incriminating materials against the applicant. But it appears that the I.O. has achieved substantial progress in the investigation and the applicant also has been cooperating with the investigating agency

and in that view of the matter, custodial interrogation of the applicant seems to be not warranted here in this case and therefore, this Court is inclined to make the interim order dated 09.01.2024, 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**