

GAHC010033622024



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

Case No. : AB/396/2024

ANJAY KUMAR AGARWAL
S/O SRI RADHESHYAM AGARWAL,
BY RELIGION HINDU,
BY PROFESSION BUSINESS,
R/O SRIPURIA, NEAR POST OFFICE,
TINSUKIA, ASSAM, PIN-786125

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M BORA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

30.05.2024

Heard Mr. R. Boruah, learned counsel for the applicant and also heard Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Borpathar P.S. Case No.02/2024 under Section 379/411 IPC, this application under Section 438 Cr.P.C. is preferred by the applicant, namely, Anjay Kumar Agarwal, 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 one Ankit Jain, on 14.01.2024. The essence of allegation made in the aforesaid FIR is that on 11.01.2024, 12111 litres of fuel loaded in a vehicle (Tanker), bearing Registration No.AS-01BC-4151, against invoice No.BATL/343/2023-24, which belongs to the firm of the informant, was stolen by the driver and helper of the said Tanker.

4. Mr. Boruah, learned counsel for the applicant submits that this Court vide order dated 20.02.2024 was pleased to grant 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 and therefore, Mr. Boruah contended that the interim order dated 20.02.2024, may be made absolute, in the same terms and conditions.

5. On the other hand, Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, submits that he has not received the case diary. But, on instruction Mr. Lahkar submits that the applicant had appeared before the I.O. and his statement is also recorded.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record.

7. Indisputably, the applicant, pursuant to the order dated 20.02.2024 had appeared before the I.O. and he has been cooperating with the investigating agency. In that view of the matter, custodial interrogation of the applicant may not be warranted in the interest of investigation and therefore, this Court is inclined to make the interim order dated 20.02.2024, absolute, in the same terms and conditions.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant