

GAHC010007252023



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

Case No. : I.A.(Crl.)/38/2023

RAJIV KUMAR GUPTA
S/O. LT. BISWANATH PRASAD, R/O. AZAD ROAD, DOOMDOOMA, P.O. AND
P.S. DOOMDOOMA, DIST.TINSUKIA, ASSAM.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P., ASSAM

Advocate for the Petitioner : MR. S ISLAM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 02-02-2023

Heard Mr. A. Hawari, learned counsel for the applicant and Mr. B. Sharma, learned Additional Public Prosecutor for the opposite party.

2. The applicant as the petitioner has preferred a pre-arrest bail application under Section 438, CrPC and the same application has been

registered as A.B. no. 3493/2022. The application is pending as on date.

3. The applicant-petitioner has preferred the said application, A.B. no. 3493/2022 apprehending his arrest in connection with Doomdoo Police Station Case no. 335/2022, registered for offences punishable under Sections 147/148/149/448/325/395/427, Indian Penal Code.

4. When the application was moved on 25.11.2022, the parties were heard on the application including interim prayer. After hearing the learned counsel for the parties and considering the nature of allegations made in the crime case, the petitioner was extended interim protection by order dated 25.11.2022 by observing that in the event of arrest of the applicant-petitioner in connection with Doomdoo Police Station Case no. 335/2022, he shall be released on bail on furnishing a bail bond of Rs. 25,000/- with one local surety of the like amount to the satisfaction of the arresting authority, subject *inter alia* to the condition that the applicant-petitioner shall appear before the Investigating Officer [I.O.] of the case within 10 [ten] days from 25.11.2022.

5. The instant interlocutory application has been preferred by the applicant-petitioner on the premise that due to reasons beyond his control, he could not comply with the aforesaid direction made in the order dated 25.11.2022, meaning thereby, he could not appear before the I.O. of the case within 10 [ten] days from 25.11.2022. By the interlocutory application, it has been prayed that the said period may be extended for a further period of 7 [seven] days to enable the applicant-petitioner to appear before the I.O. of the case. The applicant-petitioner has undertaken that he will appear before the I.O. of the case within 7 [seven] days from today without fail in the event the period of interim protection is extended for 7 [seven] days.

6. Mr. Sharma, learned Additional Public Prosecutor has submitted that since the application, A.B. no. 3493/2022 is pending as on date for production of the case diary on 06.02.2023, the appearance of the applicant-petitioner before the I.O. of the case within 06.02.2023 will facilitate an expeditious investigation of the case.

7. Having considered the submissions of the learned counsel for the parties, this Court is of the considered opinion that the prayer made in this interlocutory application deserves to be allowed. Accordingly, it is observed that since the bail application, A.B. no. 3493/2022 is ordered to be listed on 06.02.2023, the interim protection granted to the petitioner in A.B. no. 3493/2022 by order dated 25.11.2022 is extended till 06.02.2023 and the petitioner shall appear before the I.O. of the case on or before 06.02.2023. It is further observed that in the event of non-appearance of the petitioner before the I.O. of the case on or before 06.02.2023, the interim protection granted to the petitioner will cease to have effect.

8. The interlocutory application stands accordingly disposed of.

JUDGE

Comparing Assistant