

GAHC010009742023



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

Case No. : AB/182/2023

CHAMPAK THAKURIA
S/O- JOGESH THAKURIA, R/O- VILL- HORIBHANGA, P.S. TIHU, DIST.-
NALBARI, ASSAM, PIN- 781378

VERSUS

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

Advocate for the Petitioner : MR H BARUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 09.03.2023

Heard Mr. H. Baruah, learned counsel for the petitioner. Also heard Mr. Bhaskar Sarma, learned Addl. P.P. for the State.

2. Apprehending arrest in connection with Kokrajhar P.S. Case No. 263/2022, under sections 120B, 416, 420, 409, 406 and 34 IPC, the petitioner, Champak Thakuria has filed this pre-arrest bail application under section 438

Cr.P.C. The previous application was rejected vide order dated 08.08.2022, passed in AB 1658/2022.

3. The learned counsel for the petitioner has submitted that the petitioner is the only earning male member in the family and he has to take care of his family including his aged parents. It was submitted that the father of the petitioner is a diabetic patient and had to be taken to hospitals in Nalbari and Guwahati for better treatment. It has been submitted that the petitioner is not the FIR named person and is not involved in the affairs of the Bodoland Territorial Council (BTC for short) and therefore, he was falsely implicated in this case by virtue of statement made by other accused persons. It has been submitted that in the meanwhile several persons accused of this offence have been released on bail and as there has been substantial progress in the investigation, the custodial interrogation of the petitioner is not necessary.

4. The learned Addl. PP has produced the case diary and has opposed the prayer for bail on the ground that the petitioner along with other co-accused are suspected to have manufactured supply orders in the name of BTC and conned the suppliers to supply huge quantity of mosquito nets to them in guise of making supply to BTC, which they had siphoned off.

5. From the investigation carried out so far, it appears that the petitioner is also suspected to be a mastermind, who with the connivance of two other accused persons had manufactured forged and fabricated supply orders of BTC and had caused the suppliers to deliver huge quantity of mosquito nets valued at about Rs.3.50 crore. Out of such supplies made, about 49 bags of mosquito nets have been recovered. It also appears that the accused persons have divided considerable money amongst themselves.

6. Although the FIR was lodged on 30.05.2022, but as the

petitioner and some other suspects could not be interrogated, the investigation could not be closed by the I.O.

7. Therefore, the Court is of the considered opinion that this is not a fit case to grant pre-arrest bail to the petitioner above named. The projected illness of the father of the petitioner is not considered to be a good reason to grant pre-arrest bail to the petitioner. Accordingly, in the interest of investigation, the prayer made in this second application for pre-arrest bail before this Court is rejected.

8. Return the case diary.

9. This application stands disposed of.

JUDGE

Comparing Assistant