

GAHC010014532023



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

Case No. : AB/228/2023

STIPHAN NAG
S/O LT. BUWAS NAG,
R/O VILL- PANIKHOWA GOAN
P.O. SAMDANG, DOOMDOMA
DIGBOI, DIST. TINSUKIA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MD A SAHAD

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

Date : 16-02-2023

Heard Mr. A. Sahad, learned counsel for the applicant. Also heard Ms. N. Das, learned Additional Public Prosecutor for the State respondent.

This application is filed under Section 438 of the Code of Criminal Procedure, 1973, praying for granting pre-arrest bail to the accused/applicant in connection with Doomdomo P.S. No.383/2022 corresponding to G. R. Case No. 2165/2022 registered under Section 380/411 of the Indian Penal Code.

Case Diary has been received, and also perused the same.

It is submitted by the learned counsel for the applicant, Mr. A. Sahad, that the applicant is innocent and no way involved in the alleged offence. The facts of the case is that the applicant was working in the ETASH Delivery & Technology Pvt. Ltd., sometime in the month of September, 2022 and left the job after 2(two) months. The learned counsel for the applicant also submits that the case was filed regarding theft issue, which is not a serious offence, and the name of the applicant is not mentioned in the FIR but he is sought to be arrested on suspicion. It is also submitted that nothing has been recovered from the possession of the applicant and accordingly, the eight numbers of the other accused had been arrested in connection with this case by the IO, however, after arresting the other accused persons the police is searching for the applicant as he was working in the said company prior before lodging of the FIR. Therefore, applicant prays to grant pre-arrest bail and also states that he

will co-operate the investigating agency as and when required, if, the pre-arrest bail is granted to him.

In this context, Ms. Das, learned Additional Public Prosecutor submits that from the Case Diary and the statement of the witnesses, it reveals that there is a sufficient incriminating material available against the accused/applicant. As per the report of the IO, the present accused/applicant along with other prime accused of this case were indulged in this crime as well as the statement of the witnesses states that the Mobile handset recovered from their possession matched the EMI Number given by the informant. Thus, the accused/applicant along with the other prime accused were involved in executing the crime in a organized manner and therefore, it is very much essential to know about the *modus-operandi* of the crime.

Further the IO also reported that if, the bail is granted to the present accused/applicant, there may be a possibility of hampering and tempering of the evidence and also there is a chance of manipulating witnesses,` which otherwise will hamper the proper investigation of this case.

After hearing the submission made by the learned Advocates of both sides as well as perusing the case diary and statement of the witnesses recorded by the I.O., and also the objection raised by the IO, I find that further custodial interrogation accused/applicant is necessary to unearth some more facts of the case and accordingly, I am of the view that this is not a fit case, where, the privilege of pre-arrest bail can be granted to the accused/applicant at this stage

and accordingly, the same stands rejected.

In view of above, this Anticipatory Bail application stands disposed of.

Case Diary be returned.

JUDGE

Comparing Assistant