

GAHC010038352023



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

**Case No. : AB/599/2023**

BIJAN DHAR AND 2 ORS.  
S/O LATE GIRIENDRA LAL DHAR  
R/O VILL- KUMBHIRGRAM T.E.  
P.S. UDHARBOND  
DIST. CACHAR, ASSAM  
PIN CODE- 788031

2: BISWAJIT PAUL  
S/O LATE AMRIT PAUL  
VILL- THALIGRAM  
P.O. THELIGRAM  
P.S. UDHARBOND  
DIST. CACHAR  
ASSAM

3: SUBHOJIT KEOT  
S/OLATE KRISHNALAL KEOT  
R/O VILL- KAMBHIRGRAM T.E.  
P.S. UDHARBOND  
DIST. CACHAR  
ASSAM  
PIN- CODE- 78803

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. JUNM LASKAR**

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

**BEFORE  
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

**ORDER**

**Date : 08-09-2023**

Heard Mr. JUNM Laskar, learned counsel for the applicants. Also heard Mr. B. Sarma, learned Additional Public Prosecutor representing the State respondent.

2. This is application filed under Section 438 of the Code of Criminal Procedure, 1973, praying for granting pre-arrest bail to the applicants in connection with Udharbond Police Station Case No. 0161/2022 under Sections 379/411/34 of IPC, *read with* Section 3/7 of the Essential Commodities Act, 1955.

3. The Case Diary has been received and I have perused the same.

4. It is submitted by the learned counsel for the applicants, Mr. JUNM Laskar that the accused/applicants are innocent and no way involved in the alleged offence. He also submits that the applicants after obtaining the interim pre-arrest bail appeared before the I.O. as well as recorded their statements under Section 161 Cr.P.C. and co-operated in the investigation of this case. More so, they are still ready to co-operate the I.O. in further investigation of the case and accordingly, it is prayed to make the interim pre-arrest bail order absolute.

5. In this context, the learned Additional Public Prosecutor, Mr. B. Sarma, has submitted that from the Note of the I.O., it is revealed that the applicants had already appeared before the I.O. and recorded their statements under Section 161 of Cr.P.C., however, the statements of the accused/applicants are not available in the Case Diary, though, it is reported by the I.O. that their statements are already been recorded. It is further submitted that there are some implication made by the other witnesses against

the present applicants, but, the recovery has already been made and the I.O. has not prayed for any custodial interrogation for the present accused/applicants.

6. After hearing the submissions made by the learned counsels of both sides; also considering the materials available in the Case Diary as well as Note of the I.O. and considering the entire aspects of the case, nature of allegation as well as the conduct of the accused/applicants, I find that the further custodial interrogation is not necessary here in this case and it is a fit case to extend the privilege of pre-arrest bail to the accused/applicants. Accordingly, the interim pre-arrest bail granted to the accused/applicants vide order dated 27.02.2023, is hereby made absolute on the same terms and conditions.

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

8. The Case Diary be sent back.

**JUDGE**

**Comparing Assistant**