

GAHC010064532023



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

Case No. : AB/1070/2023

ABHIMANYU DAS
S/O KAMAKHYA DAS R/O NEAR CHAPAUDANG PRIMARY SCHOOL BONDA
NARENGI GUWAHATI 781026 DIST. KAMRUP (M) ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR S RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

21-06-2023

Heard Mr. S. Rahman, learned counsel for the petitioner and Mr. B. Sarma, learned Additional Public Prosecutor, Assam for the State.

By this application filed under Section 438 Cr.P.C., the petitioner, namely, **Shri Abhimanyu**

Das, apprehending his arrest, is seeking pre-arrest bail in Basistha Police Station Case No. 137/2023 corresponding to G.R. Case No. 1829/2023 registered under Sections 341/353/34 IPC read with Section 25 (1-A) of the Arms Act.

The Court by order dated 23.03.2023 granted interim pre-arrest bail to the petitioner in said Basistha P.S. Case No. 137/2023 directing him to appear before the concerned Investigating Officer of the case within 7 days from the date of said order dated 23.03.2023 clarifying that failure on the part of the petitioner to appear before the concerned Investigating Officer of the case within 7 days from the said order dated 23.03.2023, the interim pre-arrest bail granted to him vide order dated 23.03.2023 in said Basistha P.S. Case No. 137/2023, shall have no force from the 8th day of the said order dated 23.03.2023.

Perused the case diary placed before the Court today by Mr. Sarma, learned Additional Public prosecutor, Assam.

Mr. Sarma, learned Additional Public prosecutor, Assam from the case diary submits that the note of the concerned Investigating Officer of the case dated 01.06.2023 specifies that the petitioner did not appear before the concerned Investigating Officer of the case till that date and as such, pursuant to the order dated 23.03.2023 earlier passed in this proceeding, the petitioner is no longer on interim bail in said Basistha P.S. Case No. 137/2023 since 31.03.2023.

From the case diary, it is seen that one unknown person showing an arm to the concerned home guard who was on night duty, threatened him and entered the truck involved in the case carrying cement and parked the said truck inside the NRL Petrol Pump and after threatening the home guard, said unknown person fled away from the scene.

The petitioner is the owner of the truck that has been seized by police carrying cement that was parked in the NRL Petrol Pump. Case diary reveals that though police went to his house on many occasions, he is evading of arrest.

Considering the note of the Investigating Officer that the petitioner is not co-operating with the investigation of the case and the materials available in the case diary, this Court is of the view that this is not a fit case to grant pre-arrest bail to the petitioner, **Shri Abhimanyu Das** in said Basistha P.S. Case No. 137/2023 and stands rejected.

Accordingly, the order of interim pre-arrest bail dated 23.03.2023 granted to the petitioner,

named above, earlier in this proceeding in said Basistha P.S. Case No. 137/2023 is hereby recalled and it stands vacated.

Return the case diary.

JUDGE

Comparing Assistant