

GAHC010066442023



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

Case No. : AB/1138/2023

BIKASH BORUAH
S/O- KAMAL BORUAH,
R/O- LAKHI NAGAR NO-1, KACHARBARI, MANKATA T.E 1/153 RRA (A),
P.S- MILAN NAGAR (O.P),
P.O- C.R BUILDING,
DIST- DIBRUGARH, PIN-786003, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM

Advocate for the Petitioner : MR. JYOTIRMOY ROY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

16-05-2023

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

By this application under Section 438 CrPC, the petitioner, namely, **Bikash Boruah** has prayed for his pre arrest bail in Dibrugarh P.S. Case No. 120/2023 registered under Sections

379/34 IPC, corresponding to G.R. No. 399/2023.

Matter relates to stealing of two numbers of PSC poles of 8.5 metres procured by the informant to be used for installation of High Tension Line that was kept in his working site.

Latter on, the informant came to know that one Ashim Gogoi in association with other co-accused persons stole those two PSC poles.

The Case Diary reveals that said Ashim Gogoi was arrested on 06.03.2023.

It is also seen that the accused, Ashim Gogoi was already released on bail by order dated 15.03.2023 passed by the learned Chief Judicial Magistrate, Dibrugarh.

Case Diary reveals that both the stolen PSC poles have been recovered.

By order dated 28.03.2023 passed in the present proceeding, the petitioner was granted interim bail in said Dibrugarh P.S. Case No. 120/2023. Case Diary reveals that after obtaining interim bail on 28.03.2023, the petitioner appeared before the concerned I.O. of said Dibrugarh P.S. Case No. 120/2023 on 30.03.2023.

Considering the above, the Court is of the view that custodial detention of the petitioner, named above, is not warranted to investigate the said Dibrugarh P.S. Case No. 120/2023 and accordingly, the interim pre arrest bail granted to the petitioner, namely, **Bikash Boruah** on 28.03.2023 in said Dibrugarh P.S. Case No. 120/2023 is hereby made absolute on the terms and conditions specified herein below:

- (i) The petitioner shall appear before the concerned Investigating Officer of said Dibrugarh P.S. Case No. 120/2023 as and when he is required for necessary investigation of the case;
- (ii) The petitioner shall not leave the territorial jurisdiction of Dibrugarh Police Station, without obtaining prior written permission from the concerned Investigating Officer of the Case;
- (iii) The petitioner shall not hamper with the investigation or tamper with the evidence of the case and
- (iv) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade

him/her from disclosing such facts to the Court or to any police officer.

Any violation of any of the aforesaid terms and conditions by the petitioner, named above, the interim pre-arrest bail granted to him in said Dibrugarh P.S. Case No. 120/2023 shall stand automatically vacated.

It is also made clear that in the event of submission of charge-sheet in said Dibrugarh P.S. Case No. 120/2023 corresponding to G.R. No. 399/2023 and subject to taking cognizance of the offence against him in said P.S./G.R. Case, noted above, the petitioner shall appear before the concerned Trial Court for his regular bail.

With the above observation and direction, this anticipatory bail application stands allowed to the extent above.

Return the Case Diary.

JUDGE

Comparing Assistant