

GAHC010106112023



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

Case No. : AB/1768/2023

KRISHANU KUMAR DAS
S/O MRINAL KUMAR DAS
R/O H. 20, LAKSHMI MANDIR PATH, 2 NO. MATHGHARIA, NOONMATI
P.O. AND P.S. NOONMATI, PIN-781020, DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M RAHMAN
Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

30-05-2023

Heard Mr. M. Rahman, learned counsel for the petitioner and Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam for the State.

By this application under Section 438 CrPC, the petitioner, namely, **Krishanu Kumar Das** apprehending his arrest is seeking pre arrest bail in Gorchuk P.S. Case No.99/2023 registered under Section 381 of the IPC.

One Upendra Tiwari on behalf of Photontech Logistics Private Limited on 31.03.2023 lodged an FIR before the Officer-in-Charge of Gorchuk Police Station stating that the petitioner, Mr. Tafikur Rahman, Mr. Dhiraj Das and Mr. Samiranjan

Saha and Mr. Nitish Mishra are involved in theft of grocery goods and hard cash amounting to Rs. 14,00,000/- from the said establishment, who used to operate supply of grocery items at NRG Logistics Park, Betkuchi since 25.10.2022 and the same was accordingly registered as Gorchuk P.S. Case No.99/2023.

Perused the case diary produced before the Court today by Mr. M. P. Goswami, learned Additional Public Prosecutor, Assam.

Case diary reveals that the informant Upendra Tiwari is the registered vendor of Quick Logistics Private Limited under Photontech Logistics Private Limited and used to supply grocery items to various establishment in an around the city of Guwahati.

The five FIR named accused persons including the petitioner Krishanu Kumar Das were appointed by the said registered vendor Upendra Tiwari under Quick Logistics Private Limited who according to the said informant defalcated about Rs.14,00,000/-.

The investigation is at nascent stage. However, case diary reveals that the petitioner appeared before the Investigating Officer of said Gorchuk P.S. Case No.99/2023 on 11.04.2023 stating that after his joining in the said establishment in December, 2022, he found short of cash of Rs.7,50,000/- which was brought to the notice of the informant.

Case diary also reveals that the petitioner on his own appeared before the I.O. of the case and promised to help in the investigation and shall appear before the said I.O. as and when required for proper investigation of the said case.

Case diary also reveals that the other FIR named accused persons except the petitioner have not appeared before the I.O. of the case and they are not cooperating with the investigation, inspite of giving notice to them and informing at their respective residences.

Considering such materials on record placed before the Court by the concerned Investigating Officer, the Court is of the view that custodial interrogation of the

petitioner is not warranted to investigate the said Gorchuk P.S. Case No.99/2023. As such, this pre arrest bail application of the petitioner is accepted.

Accordingly, it is provided that in the event of arrest of the petitioner namely, **Krishanu Kumar Das**, he be released on bail in said Gorchuk P.S. Case No.99/2023, on furnishing a bail bond of Rs.40,000/-, with 2 (two) local sureties of the like amount, to the satisfaction of the arresting authority on conditions that the petitioner shall – **(i)** appear before the Investigating Officer of said Gorchuk P.S. Case No.99/2023 as and when he is required for necessary investigation of the case; **(ii)** not leave the territorial jurisdiction of the Gorchuk Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; **(iii)** not hamper with the investigation, or tamper with the evidence of the case and **(iv)** he 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 them from disclosing such facts to the Court or to any police officer, failing which, the bail granted to him in the aforesaid Gorchuk P.S. Case No.99/2023 shall stand automatically vacated.

Any violation of the aforesaid terms and conditions by the petitioner, named above, the pre arrest bail granted to him in the aforementioned Gorchuk P.S. Case No.99/2023 shall stand automatically vacated.

Return the case diary.

This pre arrest bail application stands disposed of to the extent above.

JUDGE

Comparing Assistant