

GAHC010138122022



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

Case No. : AB/2080/2022

KARUNA DAS
S/O RAMESH DAS, R/O RAM NAGAR, JYOTIKUCHI, P.S.-FATASIL AMBARI,
GUWAHATI, KAMRUP (M), ASSAM, PIN-781040

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R MAZUMDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 05-01-2023

Heard Mr. H Bezbarua, learned counsel for the applicant and also heard Mr. BB Gogoi, learned Addl. PP, appearing for the State respondent.

Apprehending arrest in connection with ***Fatashil Ambari PS Case No.703/2021***, under sections ***448 /294 /342 /354 /397 / 326/307/34 IPC*** read with section 25(1-A) of the Arms Act, this

application under section 438 Cr.P.C., is preferred by applicant **Karuna Das**, for grant of pre arrest bail.

The said case has been registered on the basis of an FIR lodged by one Sneha Paul, Itabhata, Dhirenpara, Guwahati on 05.10.2021, to the effect that, on the same day, at about 4.00 PM, 6 persons entered into her house and they locked their door from inside and threatened them not to raise any alarm and thereafter showing pistol looted gold ornaments of worth Rs.12,00,000/- (approx), cash Rs.5,00,000/- and three mobile phones and confined them for more than 10 minutes, and thereafter, left her house. And then they raised hue and cry and the neighbours came out and searched the culprits, and they have managed to escape in a vehicle bearing registration No.AS 01 DJ 9604, (Duster) and one of the accused person then open fired and one Liton Mazumder sustained bullet injuries.

Mr. Bezbaruah, learned counsel for the applicant submits that after completion of investigation, the IO has laid charge sheet against the accused and he is shown absconder in the charge sheet and all the co accused have already been enlarged on bail and the applicant is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

On the other hand, referring to the materials available on the record of the learned court below, Mr. BB Gogoi, submits that there are sufficient incriminating materials against the accused and that this is not a fit case where anticipatory bail can be granted to the accused.

Having heard the submission of learned advocates for both the sides, I have carefully gone through the petition and the documents placed on record and also perused the scanned copy of the record, received from the learned court below, with the assistance of learned Addl. PP.

It appears that after completion of investigation the IO has laid

charge sheet against the present applicant under section 448 /294 /342 / 354 /397 /326/307/34 IPC read with section 25(1-A)/27 Arms Act. Further, it appears that there are sufficient materials to show the complicity of the accused with the offence alleged in the FIR, which are serious in nature. In view of above and also having regard to the submissions of learned advocates for both the sides, this court is of the considered opinion that this is not a fit case where the privilege of pre arrest bail can be granted to the applicant and accordingly, the petition stands disposed of.

The applicant is directed to surrender before the learned court below forthwith.

JUDGE

Comparing Assistant