

GAHC010149622023



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

Case No. : AB/2379/2023

SWATTICK DAS @ BITTU DAS
S/O- PABITRA CH. DAS,
VILLAGE- ABHORE,
P.S.- RAIGANJ,
DISTRICT- UTTAR DINAJPUR,
WEST BENGAL.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR. S ISLAM
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 21-09-2023

Heard Mr. S. Islam, learned counsel for the applicant and also heard Ms. N. Das, learned Addl. P.P. for the State respondent.

This application, under Section 438 Cr.P.C. is preferred by accused Sri Swattick Das @ Bittu Das, who has been apprehending arrest in connection with Agomani P.S. Case No. 15/2023, under Section 420/379/411/468/471 IPC, for grant of pre arrest bail. The above noted case has been registered on the basis of an FIR lodged by one Bikash Pratim Mahanta on 27.1.2023.

The essence of allegation made in the FIR, dated 27.1.2023, is that on 27.1.2023 a Truck, bearing registration No. WB-59-B-5428, which was coming from West Bengal towards Assam loaded

with 500 bags of Urea was apprehended and the said Urea were meant for one Akram Enterprise of Buarnihat of Guwahati and one Gopal Sarkar, Bikash Moddi, Samir Roy, Bittu Das and others are involved in the illegal trading of urea fertilizers and that they hatched a conspiracy to cheat the others by selling the fertilizers at higher rate in Assam and Meghalaya.

Mr. Islam, learned counsel for the applicant submits that the applicant was granted interim protection vide order dated 7.8.2023, by this Court, and pursuant to said order the applicant had appeared before the I.O. and his statement is recorded and he has been cooperating with the Investigating agency, and therefore, a contention is being made to make the interim order dtd. 7.8.2023, absolute in the same terms and condition.

On the other hand, Ms. N. Das, learned Addl. P.P. has produced the case diary before this Court and submits that the applicant has been cooperating with the investigating agency and he appeared before the I.O. and his statement is recorded. Further Ms. Das, learned Addl. P.P. submits that the I.O. has examined the witnesses and also seized the relevant documents

Having heard the submissions of learned Advocates for both sides, I have carefully gone through the petition and documents available on record and also perused the case diary with the assistance of Ms. Das, learned Addl. P.P.

In view of the submission made by the learned counsel for the applicant that the applicant had appeared before the I.O and his statement has been recorded, and also in view of the cooperation, being extended by the applicant to the investigating agency, his custodial interrogation seems to be not warranted in the interest of investigation. And accordingly, interim order dated 7.8.2023, is hereby made absolute in the same terms and condition.

In terms of the above this A.B stands disposed of.

Case diary be returned

JUDGE

Comparing Assistant