

GAHC010161442023



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

Case No. : AB/2543/2023

SHANTONU BORA
S/O LT. HARENDRA KR. BORA @ HAREN BORA R/O HOUSE NO. 40
CHACHAL ROAD SIXMILE P.O. KHANAPARA P.S. DISPUR DIST. KAMRUP
(M) ASSAM 781022

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR W R MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

25.09.2023

Heard Mr. W.R. Medhi, learned counsel for the applicant and also heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Dispur P.S. Case No.1296/2023, under

Section 379 IPC, this application under Section 438 Cr.P.C. is preferred by the applicant, namely, Shantonu Bora for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by one Taskira Ahmed on 12.07.2023. The essence of allegation made in the FIR is that she was residing in a rented house belonging Shantonu Bora at 6th Mile in the year 2021 for a period of one year and about one week back she went to the said house to collect her properties, namely, one Ford vehicle bearing Registration No.AS-01MB-7190, furniture of worth ₹ 4,00,000/-, utensils of kitchen of worth ₹ 1,00,000/-, ornaments of gold of worth ₹ 2,00,000/- and some articles of gym of worth ₹ 1,00,000/-, one laptop and some other documents and clothings and then she came to know that along with one Nizamuddin Ahmed and Macdolin Basumatary, Shri Shantonu Bora has stolen the aforesaid articles and sold the same.

4. Mr. Medhi, learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant vide order dated 26.07.2023 and pursuant to the said order, the applicant had appeared before the I.O. and he has been cooperating with the investigating agency and that the applicant has been implicated on account of mistaken identity and that in fact the flat where the informant resides belongs to Nizamuddin Ahmed and that the applicant is ready to cooperate with the investigating agency and therefore, a contention is being made to make the interim order dated 26.07.2023 absolute, in the same terms and conditions.

5. On the other hand, producing the case diary before this Court, Mr. R.R. Kaushik, learned Additional Public Prosecutor submits that he has not received the case diary, but he has received instruction from the I.O. concerned that the applicant had appeared before the I.O. and he has been cooperating with the investigating agency and that custodial interrogation of the applicant is not required in the interest of investigation.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record.

7. In view of the submission of learned Advocates of both the parties specially the submission of Mr. Kaushik, learned Addl. P.P., custodial interrogation of the applicant

seems to be not warranted here in this case. Accordingly, this Court is inclined to make the interim order dated 26.07.2023 absolute, in the same terms and conditions.

8. In terms of above, this anticipatory bail application stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant