

GAHC010169582023



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

Case No. : AB/2714/2023

BHARAT PASWAN @ PINKU
S/O CHHEDI PASWAN
VILL- NEW BONGAIGAON
WEST COLONY
P.S. BONGAIGAON,
DIST. BONGAIGAON, ASSAM
PIN-783381

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N SARKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

29.09.2023

Heard Mr. N. Sarkar, learned counsel for the applicant and also heard Mr. K.K.

Parasar, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under Section 438 Cr.P.C. is preferred by the applicant, namely, Bharat Paswan @ Pinku, who has been apprehending arrest in connection with Bongaigaon P.S. Case No.232/2023, under Section 419/384/427/506 IPC, 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 Bipul Debnath on 03.06.2023. The essence of allegation made in the FIR is that while the informant Bipul Debnath was constructing one road at Dangtal under Bongaigaon P.S., the applicant came to the said place and introduced himself as one Officer of Railway Department and being armed with sharp object, he used to demand money and also threatened to kill him and he also used to lift cement and chemicals and he repeat the same on the previous night for which he was apprehended and handed over to police.

4. Mr. Sarkar, learned counsel for the applicant submits that this Court was pleased to grant the privilege of interim pre-arrest bail to the applicant vide order dated 05.08.2023, 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 was beaten by the informant for which he lodged one case with the police and he was hospitalized for three days and that he is ready to cooperate with the investigating agency and therefore, it is contended to make the interim order dated 05.08.2023 absolute, in the same terms and conditions.

5. On the other hand, Mr. K.K. Parasar, learned Additional Public Prosecutor has opposed the petition on the ground that the I.O. has collected sufficient incriminating materials against the applicant. However, Mr. Parasar submits that the applicant had

appeared before the I.O. and he has been cooperating with the investigating agency. To a pointed query of this Court, Mr. Parasar submits that there is no instance of repeating the same offences by the applicant after granting the privilege of pre-arrest bail by this Court vide order dated 05.08.2023.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Parasar, learned Additional P.P.

7. It appears from the case diary that the I.O. has collected some materials in support of the allegation made in the FIR, but it also appears that pursuant to the order of this Court dated 05.08.2023, the applicant had appeared before the I.O. and he has been cooperating with the investigating agency. Further, it appears that the I.O. has examined some witnesses here in this case and in view of the progress of investigation as well as the cooperation, being extended by the applicant to the investigating agency and also having considered the nature and gravity of the offence, custodial interrogation of the applicant seems to be unwarranted here in this case and therefore, this Court is inclined to make the interim order dated 05.08.2023, absolute, in the same terms and conditions.

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

9. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant