

GAHC010174782023



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

Case No. : AB/2812/2023

AJGOR ALI
S/O MOTIBOR RAHMAN
VILL- HASHDOBA
P.S. LAKHIPUR
DIST. GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N UDDIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 12-09-2023

Heard Mr. N. Uddin, learned counsel for the applicant and also heard Mr. P. Borthakur, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with Lakhipur P.S. Case No. 200/2023, u/s 447/379 IPC, this application u/s 438 Cr.P.C. is preferred by applicant, namely, Ajgor Ali for grant of pre-arrest bail.

It is to be noted herein that Lakhipur P.S. Case No. 200/2023, u/s 447/379 IPC has been registered on the basis of FIR lodged by one Dhruba Dutta, Forest Range Officer, Lakhipur Range.

The essence of allegation made in the FIR is that on 21.4.2023, they have found missing of 3

numbers of Teak tree from Karmapakari village, proposed forest reserved, and also found 17 piece of Teak logs being staked nearby Mauri Than place and during investigation, they found that one Ajgor Ali has committed theft of the aforesaid Teak logs.

Mr. Uddin, learned counsel for the applicant submits that vide order dated 14.8.2023, the applicant has been granted the privileges of interim pre-arrest bail and thereafter, the applicant had appeared before the I.O. and his statement is recorded and he has been cooperating with the investigating agency. And therefore, Mr.Uddin contended to make the interim order dated 14.8.2023 absolute, in the same terms and condition.

Mr. Uddin learned counsel for the applicant further submits that the allegation levelled in the FIR dated 2.7.2023, is false and that the applicant has filed one RTI application seeking some information, but he has not been provided with any information and thereafter, he had approached the appellate authority under the RTI Act and thereafter, being aggrieved, the informant has lodged this case against the applicant implicating him falsely.

On the other hand, Mr. Borthakur, learned Addl.P.P. has produced the case diary before this Court and confirmed that the applicant had appeared before the I.O. and that he has been cooperating with the investigating agency. However, Mr. Borthakur submits that origin of 17 numbers of Teak logs are yet to be ascertained and on such count, Mr. Borthakur has opposed the petition.

Having heard the submissions 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. P. Borthakur, learned Addl. P.P.

It appears that the applicant has been cooperating with the investigating agency and he appeared before the I.O. and his statement is also recorded. Further it appears that the I.O has achieved substantial progress in the investigation and in view of above, custodial interrogation of the applicant seems to be not required in the interest of investigation and therefore, this Court is inclined to make the interim order dated 14.8.2023, absolute in the same terms and condition.

Case diary be returned.

JUDGE

Comparing Assistant