

GAHC010185222023



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

Case No. : AB/2908/2023

MRIDUSMAN ROY
S/O NABA KUMAR ROY R/O QUARTER NO. 325 INCOME TAX RESIDENTIAL
COMPLEX BONGAON BELTOLA PS BASISTHA GUWHATI 781028 DIST.
KAMRUP (M) ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A CHAUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 05-10-2023

Heard Mr. B. Mahajan, learned counsel for the applicant and also heard Mr. R. R. Kaushik, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with Jorhat P.S. Case No. 321/2023, under Section 120(B)/420/379 IPC, this application under Section 438 Cr. P. C. is preferred by applicant, namely, Mridusman Roy for grant of pre-arrest bail.

The above noted case has been registered on the basis of an FIR lodged by one Ajit Sinha on 26.6.2023. The essence of allegation made in the FIR dated 26.6.2023, is that on 25.6.2023 at around 12 PM,

using his certificate, Voter I Card, Driving License, one person hired a Thar black coloured vehicle, bearing registration No. AS-01-FL-5451, from Ambikagiri Nagar, Guwahati in order to proceed to Shillong. But, instead of proceeding to Shillong, he came to Jorhat and reached at President Hotel, Jorhat at around 6 AM in the morning and therein he took a room on rent in his name and keeping him in the said hotel, the person fled away with his mobile hand set with SIM and key and stolen the Thar vehicle.

Mr. Mahajan, learned counsel for the applicant submits that this Court was pleased to extend interim protection to the applicant, vide order dated 22.8.2023, and pursuant to said order, the applicant had on appeared before the I.O, on 25.8.2023, and he has been extending cooperation with the investigating agency, and therefore, it is contended to make the interim order dated 22.8.2023, absolute in same terms and condition. Mr. Mahajan, learned counsel for the applicant further submits that the vehicle has already been recovered and seized by the police.

Whereas, Mr. R. R. Kaushik, learned Addl. P.P. has produced the case diary before this Court and submits that the applicant had appeared before the I.O. and his statement has already been recorded. Further Mr. Kaushik submits that that the I.O. has examined some witnesses and seized the vehicle and released in the custody of one Jyanjyoti Bora on being authorized by registered owner, Sri Manoj Rai Having heard the submission of learned Advocates of both sides, I have carefully perused the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Kaushik, learned Addl. P.P.

In view of submissions of learned Advocates of both sides and also in view of materials collected so far in the case diary, as well as the progress of the investigation, and also in view of the cooperation, being extended by the applicant to the investigating agency, his custodial interrogation seems to be not warranted herein this case, and accordingly, interim order dated 22.8.2023, 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