

GAHC010198912023



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

Case No. : AB/3068/2023

BHARAT NEOG
S/O LATE MATHURA NEOG,
R/O VILL- DHING,P.S. DHING
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE LEARNED PP, ASSAM

Advocate for the Petitioner : MR SARFRAZ NAWAZ

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

04.12.2023

Heard Mr. S. Das, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Nagaon P.S. Case No.648/2023, under

Sections 420/379 IPC, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Bharat Neog 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 Abdun Noor on 12.07.2023. The essence of allegation made in the FIR is that on that day he came to SBI Khutikatia Branch and attempted to withdraw money from the ATM at about 3:30 p.m. but he could not succeed, as he had committed some mistake and then one person, who was there in the ATM, took his mobile phone and took away his SIM card and his Adhaar Card as well as PAN card, and thereafter, returned the mobile handset and later on, at about 12:00 a.m. at night, he came to know that PhonePe transaction is going on and a sum of ₹ 40,000/- was withdrawn from his account.

4. Mr. Das, learned counsel for the applicant submits that this Court vide order dated 11.09.2023 was pleased to extend interim protection to the applicant and pursuant to the said order, he had appeared before the I.O. and he has been cooperating with the investigating agency and on such count Mr. Das submits that the interim order dated 11.09.2023 may be made absolute, in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the applicant had appeared before the I.O. and he has been cooperating with the investigating agency. However, Mr. Sarma submits that the I.O. has collected some materials in support of the allegation made in the FIR and some other cases are also pending against him.

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. Sarma, learned Additional P.P.

7. The case diary indicates that 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 achieved some progress in the investigation of the case and custodial interrogation of the

applicant for the purpose of investigation, seems to be not warranted here in this case and therefore, this Court is inclined to make the interim order dated 11.09.2023 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