

GAHC010201532022



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

AB/2904/2022

RANJAN KARMAKAR
S/O RUHIDAS KARMAKAR
R/O VILL- ATHIABARIGAON
P.O. BARPETA ROAD
P.S. GOBARDHANA
DIST BAKSA
BTR
ASSAM
PIN-781315

VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR B SARKAR
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 03-03-2023

Heard Mr. B. Sarkar, learned counsel for the applicant. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Gobardhana PS Case No.119/2022, under Sections 120B/420/468/471 IPC read with Section 14 of the Assam Game and Betting Act, this application, under Section 438 Cr.PC., is preferred by the applicant, Ranjan Karmakar, for grant of pre-arrest bail.

3. It is to be noted that the above noted case has been registered on the basis of an FIR lodged by one SI Abhijit Gogoi of Gobardhana PS on 12.09.2022. The allegation leveled in the FIR is that some persons, with ulterior motive involved in the conspiracy of cheating common people by making forged documents and using the same as genuine in the form of betting for wrongful gain without proper authentication and records.

4. The learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant vide order, dated 29.09.2022, and pursuant to the said order, the applicant appeared before the I/O within seven days and his statement has been recorded and that he has been cooperating with the investigating agency and, therefore, it is contended to make the interim order, dated 29.09.2022, absolute in the same terms and conditions.

5. On the other hand, Mr. Baruah, learned Additional Public Prosecutor, Assam has produced the case diary before this Court and submits that the material part of the investigation is almost completed. However, as per noting of the I/O., the applicant has not appeared before the I/O for getting his statement recorded.

6. 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. Baruah, learned Additional Public Prosecutor, Assam.

7. In view of the materials collected so far in the case diary as well as the stage of investigation, custodial interrogation of the applicant seems to be not necessary here in this case. Though the I/O has noted in the case diary that the applicant has not appeared before him for recording his statement, the learned counsel for the applicant categorically submits that the applicant has appeared before the I/O within the stipulated period, i.e., seven days from the date of granting the interim protection.

8. In view of above, this Court is inclined to make the interim order, dated 29.09.2022, absolute in the same terms and condition.

9. In terms of above, this Anticipatory Bail application stands disposed of.

The case diary be returned.

JUDGE

Comparing Assistant