

GAHC010207092023



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

Case No. : AB/3185/2023

SANDEEP JAIN
SON OF SHRI KAILASH CHAND JAIN , RESIDENT OF GANESHGURI,
GUWAHATI - 781005, IN THE DISTRICT OF KAMRUP(M), ASSAM

VERSUS

THE STATE OF ASSAM
(REPRESENTED BY THE LD. PUBLIC PROSECUTOR, ASSAM)

Advocate for the Petitioner : MR G N SAHEWALLA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

06.12.2023

Heard Mr. G.N. Sahewalla, learned Senior counsel assisted by Mr. M. Sahewalla, learned counsel for the applicant and also heard Ms. A. Begum, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Barpathar P.S. Case No.39/2023, under

Sections 120(B)/379/411/420/34 IPC, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Sandeep Jain 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 S.I. Meghnath Kutum of Barpathar P.S. on 31.08.2023. The essence of allegation made in the FIR is that on 31.08.2023, at about 11:00 p.m. at night they have intercepted one oil tanker bearing Registration No.AS-12E-5111, while the same was proceeding towards Jamuguri with 12000 litres of petroleum products which are suspected to be spurious and during interrogation the driver of the vehicle, namely, Mohammad Sukur Ali reveals that said 12000 litres of petroleum products were loaded at Lakhra and being carried to M/s HP Saya Filling Station.

4. Mr. Sahewalla, learned Senior counsel for the applicant submits that this Court, vide order dated 15.09.2023, was pleased to extend the privilege of interim protection to the applicant and pursuant to the said order, the applicant had appeared before the I.O. and he has been cooperating with the investigating agency and therefore, Mr. Sahewalla contended to make the interim order dated 15.09.2023, absolute, in the same terms and conditions.

5. On the other hand, Ms. A. Begum, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials against the applicant and therefore, she has opposed the petition.

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 Ms. Begum, learned Additional P.P.

7. Indisputably, the applicant had appeared before the I.O. and he has been cooperating with the investigating agency. Though the I.O. has collected some incriminating materials against the applicant, yet, in view of the cooperation being extended by him to the investigating agency and also in view of the progress of

investigation, custodial interrogation of the applicant seems to be not warranted here in this case and therefore, the interim order dated 15.09.2023 is hereby made 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