

GAHC010218002023



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

Case No. : AB/3343/2023

HEMANTA KUMAR SINGH
S/O SURENDRA SINGH,
R/O H/NO.- 27, NR ITR COLONY BONGAON, BELTOLA, GUWAHATI, P.S.-
BASISTHA, DIST.- KAMRUP (M), GUWAHATI.

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR. V N UPADHYAY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

07.11.2023

Heard Ms. P. Mishra, learned counsel for the applicant and Mr. K.K. Das, learned Addl. P.P. for the State respondent.

2. This application, under Section 438 Cr.P.C. is preferred by the applicant namely, **Sri Hemanta Kumar Singh**, who has been apprehending arrest in connection with **Jakhalabandha P.S. Case No. 134/2023**, under Sections 120(B)/420/379/411 IPC, for grant of pre-arrest bail.

3. The above noted case has been registered on the basis of an FIR

lodged by one ASI, namely, Ashraful Ali of Jhalakhabandha P.S on 11.09.2023. The essence of allegations made in the FIR is that on 09.09.2023, at around 10:20 AM, he found one 12 wheeler Truck, bearing registration No. AS-01-PC-8329, loaded with coke met with an accident at Burhapahar, Sadhubheti, near N.H. 37 and found laying the same in abandoned condition. Thereafter, he contacted the owner of the Truck, and later on, the Truck was brought with the help of recovery van to the police station. The owner of the Truck, Sri Hemanta Kumar Singh, when asked to produce the relevant document and GST Challan of the loaded coke, produced the same, but on verification of the same and on examination of GST Challan, the same was found to be generated on the next date of the accident and GST was paid on 10.09.2023, and he found the owner of the Truck with the help of some documents trying to evade GST of the Government.

4. Ms. Mishra, learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant vide order dated 29.09.2023, and pursuant to the said order, the applicant had appeared before the IO and he has been cooperating with the investigating agency and therefore, it is contended to make the interim order dated 29.09.2023, absolute in the same terms and conditions.

5. On the other Mr. Das, learned Additional Public Prosecutor by producing the case diary before this court, submits that the applicant had appeared before the IO and his statement is recorded and that material part of investigation is substantially progressed.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary with the assistance of learned Additional

Public Prosecutor.

7. Having regards to the submissions of learned counsel for both the parties and also considering the fact that the applicant has been cooperating with the investigating agency, this Court is of the view that his custodial interrogation seems to be unwarranted here in this case, and therefore, this Court is inclined to make the interim order dated **29.09.2023**, absolute in the same terms and condition.

8. In terms of above this AB stands disposed of.

9. The case diary be returned.

JUDGE

Comparing Assistant