

GAHC010229252023



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

Case No. : AB/3492/2023

RAJU DAS
SON OF SRI MANORANJAN DAS, A RESIDENT OF LALMATI HILLSIDE VIA
LALMATI NEW MARKET, REVENUE VILL. BARSAJAI, P.O BELTOLA, P.S-
BAISITHA. GUWAHATI- 781040, DISTRICT- KAMRUP (M), ASSAM. CELL NO.
9101756900

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MR I C GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

18.10.2023

Heard Mr. I.C. Gogoi, learned counsel for the applicant and also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application, under Section 438 Cr.P.C. is preferred by the applicant namely, **Sri Raju Das**, who has been apprehending arrest in connection with **Dispur P.S. Case No. 1761/2023**, under Section 408 IPC, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered

on the basis of an FIR lodged by Dr. Prajnan Kalita, Santanu Bhattacharjee and Dr. Dibyaratna Patgiri, on 07.09.2023. The essence of allegation made in the aforesaid FIR is that one Ariful Islam, Raju Das and Manab Kumar Kalita, who are employees in the pharmacy of Hayat Hospital, have committed theft of cash Rs. 10,000/- to Rs. 15,000/- and also manipulated the stock of the pharmacy.

4. Mr. Gogoi, learned counsel for the applicant submits that the applicant was working in the Pharmacy as assistant and that he is no way involved with the offence alleged in the FIR and he is also ready to cooperate with the investigating agency and therefore, it is contended to allow this petition.

5. On the other hand, Mr. Borthakur, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the I.O. has examined as many as 4 witnesses.

6. Having heard the submission 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 P.P.

7. The case diary indicates that the applicant was earlier interrogated by the Investigating Officer and his statement is also recorded and in view of above and also in view of the nature and gravity of the offence, custodial interrogation of the present applicant seems to be not warranted here in this case and therefore, this Court is inclined to grant the privilege of pre-arrest bail to the applicant.

8. Accordingly, it is provided that in the event of arrest of the applicant, Sri Raju Das, in connection with **Dispur P.S. Case No. 1761/2023**, under Section 408 IPC, he shall be released on pre-arrest bail on his executing a bond of Rs. 50,000/- with one surety of the like amount to the satisfaction of the arresting authority.

9. The above privilege is, however, subject to the following conditions:-

(i) The applicant shall make himself available for interrogation by the Investigating Officer as and when required;

(ii) The applicant shall not, directly or indirectly, make any inducement,

threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and

(iii) The applicant shall not leave the jurisdiction of the learned **Chief Judicial Magistrate, Kamrup [M] at Guwahati**, without prior permission

10. In terms of above, this anticipatory bail application stands disposed of.

11. The case diary be returned.

JUDGE

Comparing Assistant