

GAHC010267382022



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

Case No. : AB/3812/2022

SON SINGH@SONU SINGH
S/O LATE KARTAR SINGH
R/O KHUMTAI AMGURI
P.O. AND P.S. MORANHAT
DIST. CHARIDEO, ASSAM, PIN- 785670

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. P D NAIR

Advocate for the Respondent : PP, ASSAM

B E F O R E
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

02.02.2023

Heard Mr. H.Rahman, learned counsel appearing for the petitioner as well as Mr. B. Sharma, learned Addl. P.P. appearing for the State respondent.

The petitioner, namely, Shri Son Singh @ Sonu Singh has filed this application under Section 438 Cr.P.C with prayer for pre-arrest bail as he is apprehending arrest in connection

with Demow P.S. Case No. 392/2019, under Sections 379 IPC (corresponding to G.R. Case No. 1355/2022) and charge-sheet no. 83/2022 dated 30.08.2022, registered under Sections 395/411 IPC.

It is submitted on behalf of the petitioner that charge-sheet has been laid against him under Sections 395/411 IPC. The petitioner is shown as arrested in the charge-sheet but in reality the petitioner was not arrested in connection with this case. As soon as the petitioner received summons, he learnt that this case is pending against him. The case in short is that on 26.10.2019, the informant lodged the FIR stating that on 23.10.2019 at about 3.30 P.M. his vehicle bearing registration no. AS-03/AC-2239(407) truck was transporting consignment of 400 boxes of mustard oil from an establishment Khusi Enterprise of Jorhat to Moran. The next day, the informant learnt from Gouri Sankar that the driver Raja who was consuming alcohol took ill. On 26.10.2019 at about 11.30 a.m., the informant went to Bajali and found the driver was not well but the mustard oil boxes were missing from the truck. The petitioner was charge-sheeted for removing the 400 boxes of mustard oil along with his co-accused.

The learned Addl. P.P. has raised serious objection stating that there are cogent materials in the case diary against the petitioner.

The statement of the witnesses clearly depicts that the petitioner received consideration for removing of the boxes of mustard oil to the tune of Rs. 2,90,000/-.

I have given my anxious consideration to the submissions at the Bar. The petitioner submitted that he will face trial and he will co-operate with the investigation. The petitioner is not a flight risk as he is a local resident and all the co-accused persons have been released on bail.

I have also considered the prayer of parity.

Considering all aspects, petition is allowed.

The petitioner is to be enlarged on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of learned Elaka Magistrate,
under the conditions that:-

(1) the petitioner will co-operate with the investigation and not exercise threats to the

witnesses,

(2) the petitioner will refrain of such activities with which he alleged, and

(3) The petitioner will not leave the jurisdiction of Court without prior permission till completion of the investigation.

This petition stands disposed of.

Send back the case diary.

JUDGE

Comparing Assistant