

GAHC040012582024



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

Case No. : AB/121/2024

Dheeraj Pao
Son of Late Susen Pao, resident of House No. 5, Samannay Path, Survey, Guwahati
781028, PO Beltola, PS Basistha, Kamrup Metro District, Assam

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Tabit Tapak, R Islam

Advocate for the Respondent : P P of AP,

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 06-11-2024

Heard Mr. T. Tabing, learned counsel for the petitioner. Also heard Mr. T. Ete, learned Additional Public Prosecutor for the State.

2. By an order dated 20.09.2024, this Court while extending a privilege of pre-arrest bail to the petitioner had directed the petitioner to appear before the I.O of the case within a period of 7(seven) days

from the said date of order and in the event of his failure to appear within that period, the interim protection so granted to the petitioner shall stand lapse by efflux of time. The said interim anticipatory bail was subsequently, extended on 26.09.2024 and 22.10.2024. Since the date of interim protection granted to the accused petitioner on 20.09.2024, more than 45 days has lapse. However, the case diary produced reflects that the accused never reported or appeared before the I.O of the case till date.

3. Today, the learned counsel for the petitioner submits that the accused is unable to appear before the I.O of the case as subsequently, he has been arrested in connection with another case that is Chimpu P.S Case No. 09/2024 under Section 420 IPC. From the record, it appears that when the accused applicant had time and occasion to appear before the I.O of the case, he did not appear in terms of the condition No. 5 of the interim pre-arrest bail granted to him. And now, it has been informed that he has been arrested in connection with another P.S case for commission of the similar kind of offence.

4. Under the circumstance, this Court is of the opinion that the accused petitioner having not complied with the interim bail condition does not deserve further extension of the said interim pre-arrest bail granted to him on 20.09.2024. Accordingly, the interim bail granted to him on 20.09.2024, stands vacated.

5. On the perusal of the record, there is prima facie case against

the accused petitioner for commission of the alleged offence. The record also reveals that accused petitioner is a habitual offender involved in multiple cases i.e. Deomali P.S Case No. 05/2024 under Section 406/420 IPC; Chimpu P.S. Case No. 09/2024 under Section 420 IPC and CR Case No. 24/2024 under Section 138/142 NIA Act, apart from the present P.S Case under Section 420 IPC.

6. Considering the nature of allegation and material found against the accused petitioner for commission of the alleged offence, and also considering that the matter is still under investigation, I am not inclined to extend the privilege of anticipatory bail to the accused. Accordingly, the bail application is rejected and stands dismissed.

Return the case diary.

JUDGE

Comparing Assistant