

GAHC010001722024



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

Case No. : AB/48/2024

DIPANKAR RAY
S/O NISARAN CHANDRA RAY
R/O VILL- NANEKUTI
P.S. BONGAIGAON,
DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:APURBA NARAYAN SINGHA
S/O LATE DAMODAR SINGHA
R/O VILL- DOCHIMAPARA, P.S. BONGAIGAON
DIST. BONGAIGAON, ASSAM, PIN-78338

Advocate for the Petitioner : MR. M AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 06-02-2024

Heard Mr. M. Ahmed, learned counsel for the applicant and Ms. A. Begum,
learned Additional Public Prosecutor for the State respondent.

Apprehending arrest in connection with Bongaigaon P.S. Case No. 138/2022, under Sections 341/365/418/506/34 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, Dipankar Ray for grant of pre-arrest bail.

The said case has been registered on the basis of one F.I.R., lodged by one Apurba Narayan Singha, on 09.03.2022. The essence of allegations made in the FIR is that on the night of 08.03.2022, at about 9/9:30 pm, while he was proceeding home from Swahid Bedi, then four persons wearing helmet and mask stopped him near Maa Dakshina Kali Mandir, situated near Ramdhenu Dhaba. Thereafter, they snatched the key of his motorcycle and by showing gun, they forcefully took him to the nearest cremation ground and demanded a sum of Rs. 30,00,000/- within 15.03.2022 and also threatened him that he would not be able to reside in Dochimapara along with his family and they have forcefully taken his signature on five stamp papers.

Mr. Ahmed, learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant, vide order dated 9.1.2024 and pursuant to the said order, the applicant had appeared before the I.O. and he has been cooperating with the investigating agency, and he is innocent and ready to cooperate with the investigating agency and therefore, it is contended to make the interim order dated 9.1.2024 absolute in the same terms and conditions.

On the other hand, Ms. A. Begum, learned Addl. P.P. has produced the case diary before this Court and submits that the applicant had appeared before the I.O and he has been cooperating with the investigating agency but, the I.O. has failed to collect sufficient incriminating materials against the applicant in connection with the allegation made in the FIR dated 09.03.2022 and

therefore, Ms. Begum has opposed the petition and contended to dismiss the same.

Having heard the submission of learned Advocates of both sides, I have gone through the petition and the documents placed on record and also perused the case diary with the assistance of Ms. Begum, learned Addl. P.P.

It is not in dispute that pursuant to order dated 9.1.2024, the applicant had appeared before the I.O and he has been cooperating with the investigating agency. Further, it appears from the case diary that the I.O. has failed to collect sufficient materials in support of the allegation made in the FIR. In view of the above and also in view of the stage of investigation and the materials collected so far in the case diary, this Court is inclined to make the interim order dated 9.1.2024 absolute in the same terms and conditions as custodial interrogation seems to be not warranted herein this case.

In terms of above, this Anticipatory bail application stands disposed of.
Case diary be returned.

JUDGE

Comparing Assistant