

GAHC010006732024



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

Case No. : AB/113/2024

SUSHIL MANDAL
S/O LATE GOPINATH MANDAL
R/O BHASKAR NAGAR,
JYOTI PATH, P.S. FATASIL AMBARI
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. C K NATH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 28.02.2024

Heard Mr. S. Munir, learned counsel for the applicant. Also heard Mr. B. Sarma, learned Addl. Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Fatasil Ambari P.S. Case No. 226/2023, under Sections 457/380 of the IPC, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Sushil Mandal 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 one Rajan Kumar Tiwari on 27.09.2023. The essence of allegation made in the FIR dated 27.09.2023, is that on that day, at about 4:30 a.m., when the informant woke up, he found that the window grill of his kitchen room was broken and the goods were not in proper place and thereafter, he found that some unknown miscreants had stolen away ornaments of gold i.e. one neckless, mangtika, five rings, ten nose pins, one chain and one mangalsutra, and cash of Rs. 18,000/-, by breaking open the iron almirah.

4. Mr. Munir, learned counsel for the applicant submits that the applicant had been granted the privilege of interim pre-arrest bail, vide order dated 19.01.2024, and pursuant to the said order, he had also appeared before the I.O. and he has been cooperating with the investigating agency, and therefore, a contention is being made that the interim order dated 19.01.2024, may be made absolute in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, the learned Addl. Public Prosecutor submits that he has not received the case diary and as per his instruction, the I.O. has laid charge-sheet, being charge-sheet No. 17/2024, dated 30.01.2024, under Sections 457/380 of the IPC, against one Bittu Das and Sahil Ahmed

6. Since the present applicant has not been sent up for trial, there appears to be no apprehension of arrest and therefore, this application becomes infructuous and accordingly, the same stands closed.

7. Interim order dated 19.01.2024 stands recalled.

JUDGE

Comparing Assistant