

GAHC010013922024



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

Case No. : AB/183/2024

RABI SINHA
S/O SRI RATHINDRA SINHA
R/O CHOWKIDINGEE RAILWAY
COLONY, QR NO. DS(B)-36/A P.O. AND P.S. DIBRUGARH, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B P BORAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 27.02.2024

Heard Mr. B.P. Borah, learned counsel for the applicant and Ms. A. Begum, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Bongaigaon GRPS Case No. 133/2023, under Sections 120B/420/379/411/471 of the IPC read with Sections

33/41/42 of the Assam Forest Regulation Act, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, Rabi Sinha for grant of pre-arrest bail.

3. The said case has been registered on the basis of one F.I.R., lodged by UBC Kankan Das, GRP-Investigation Centre, on 11.12.2023. The essence of allegations made in the FIR is that on 11.12.2023, at about 9:25 am, acting on tip off, the informant along with his staff conducted search in the Kanniyakumari Vivek S.F. Express (DBRG-CAPE), DN Train No. 22504, and found 10 bundles timber and 50 plastic sacks of betel nuts, suspected to be contraband Burmese betel nuts.

4. Mr. Borah, learned counsel for the applicant submits that the applicant had been granted the privilege of interim pre-arrest bail, vide order dated 24.01.2024, and pursuant to the said order, he had also appeared before the I.O. and he has been cooperating with the investigating agency, and that the applicant is innocent and ready to cooperate with the investigating agency, and therefore, a contention is being made that the interim order dated 24.01.2024, may be made absolute in the same terms and conditions.

5. On the other hand, Ms. Begum, the learned Addl. Public Prosecutor has produced the case diary before this Court and submits that some materials are there in the case diary against the present applicant, and therefore, she has opposed the application.

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

7. It appears that though the I.O. has collected some materials in support of

the allegation made in the FIR, but it also appears that he has achieved substantial progress in the investigation of the case. And since the applicant has been cooperating with the investigating agency, his custodial interrogation, in the interest of investigation, seems not to be warranted here in this case.

8. Accordingly, the interim order dated 24.01.2024, is hereby made absolute in the same terms and conditions.

9. In terms of above, this application stands disposed of.

10. Case diary be returned.

JUDGE

Comparing Assistant