

GAHC010019822024



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

Case No. : AB/229/2024

PRANJALSONOWAL
S/O SRI TIKHESWAR SONOWAL, R/O HAHKHATI TEA GARDEN, GRANT
NO.1, P.O. AND P.S. KAKOPATHAR, DIST. TINSUKIA, ASSAM, PIN- 786152

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R HAZARIKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 13.02.2024

Heard Mr. N. Hasan, learned counsel for the petitioner. Also heard Mr. K.K. Parasar, learned Addl. P.P., Assam for the State respondent.

This is an application under Section 438 of the Cr.P.C. for granting pre-arrest bail to the petitioner, namely, Pranjal Sonowal in Connection with Dibrugarh P.S. Case No. 11/2024 (Corresponding to G.R. Case No. 17/2024) registered under Sections 409/420 of the IPC.

The C.D. has been received.

I have perused the same.

The allegation brought against the petitioner Pranjal Sonowal is that while he was posted at Traffic

Branch, Dibrugarh he misappropriated huge amount of Government money i.e. fine realized from Traffic rules violation under M.V. Act by Traffic Branch, Dibrugarh. Later on, he was promoted to the rank of ASI and transferred to Tinsukia D.E.F.

In this connection an enquiry was conducted by Addl. SP (S&I), Dibrugarh and in his enquiry report he stated that ASI Pranjal Sonowal had admitted that he had received a total amount of Rs. 56,59,000/- from different DEF which was realized under MV Act at different intervals. The petitioner had admitted that he deliberately misappropriated the Govt. Money.

The learned counsel for the petitioner submitted that the petitioner has been made scape goat in this case and the fine amount which was received by him was delivered to his Superior Officer and he has been falsely implicated in the FIR and at the relevant time he was discharging his duties as constable and he had no authority to receive such a huge quantity of fine. However, he is ready and willing to cooperate with the investigation and he has already appeared before the Enquiry Officer before lodging of the FIR. It is also stated that the petitioner is a Govt. Servant and there is no chance of absconding if he is granted privilege of pre-arrest bail.

In this context, Mr. K.K. Parasar, learned Addl. P.P. has submitted that there is sufficient incriminating materials against the petitioner and there is every probability of hampering and tampering the investigation of this case. It is also stated that 36 Nos. of Fine Receipt Books were already recovered from the possession of the petitioner during investigation. Accordingly, he raised objection in granting anticipatory bail to the present accused/ petitioner.

Considering the submissions of learned counsel for both the sides and also considering the materials available in the case diary as well as the nature of offence, I find that this is not a fit case to grant privilege of pre-arrest bail and accordingly, the same stands rejected.

The pre-arrest bail application is disposed of.

JUDGE

Comparing Assistant