

GAHC010021492024



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

Case No. : AB/244/2024

BIPLAB MANDAL
SON OF SRI NITAI MANDAL, RESIDENT OF KABAITARI PATNI,
JOGIGHOPA, DISTRICT- BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR N K SARMA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 01-03-2024

Heard Mr. H. K. Das, learned counsel for the applicant and also heard Mr. K. Baishya, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with Changsari P.S. Case No. 11/2024, under Section 407 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, Sri Biplab Mandal for

grant of pre-arrest bail.

The said case has been registered on the basis of one F.I.R., lodged by one Kamal Kishore Upadhyay, on 08.01.2024. The essence of allegations made in the FIR is that a vehicle bearing registration No. NL-07-AA-1184 was loaded from Bikaji Food International Private Limited, Guwahati to Lutumbai, but, the driver of the aforesaid vehicle has not arrived at Latumbai and his phone was found to be switched off, from 01.01.2024, till filing of the FIR and during search they have recovered some materials from Jogighopa, but, could not recover the vehicle.

Mr. Das, learned counsel for the applicant submits that the applicant was granted the privilege of interim pre-arrest bail, vide order, dated 2.2.2024, and pursuant to said order he had appeared before the I.O on 13.2.2024, and cooperating with the investigating agency and therefore, it is contended to make the interim order dated 2.2.2024 absolute in the same terms and condition.

On the other hand, Mr. Baishya learned Addl. P.P. produced the case diary before this Court, however submits that since 3.2.2024, the case diary has not been up dated till 3.2.2024 and the I.O. could not collect any materials against the present applicant.

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 Mr. K. Baishya, learned Addl. P.P.

In view of the materials collected so far in the case diary, as well as the cooperation, being extended by the applicant to the investigating agency, his custodial interrogation here in this case, seems to be not warranted and

therefore, this Court is inclined to make the interim order dated 2.2.2024, absolute, in the same terms and condition.

Case diary be returned.

JUDGE

Comparing Assistant