

GAHC010024022024



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

**Case No. : AB/305/2024**

SUNIL UPADHAYA  
S/O SRI RAJENDRA UPADHAYA  
A RESIDENT OF 7/1, MUNSHIGANJ ROAD,  
KIDDERPORE,  
KOLKATA, WEST BENGAL, PIN-700023

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. S N TAMULI**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

**ORDER**

**09.04.2024**

**1.** Heard Mr. S.N. Tamuli, learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, appearing for the State of Assam.

**2.** Learned counsel for the petitioner has submitted that by order dated 09.02.2024, the petitioner was allowed to go on interim anticipatory bail with certain conditions and in pursuant to the directions of this court, he has appeared before the Investigating Officer and has co-operated in the investigation.

**3.** On the other hand, learned Additional Public Prosecutor has produced the case diary.

**4.** Learned counsel for the petitioner has submitted that though the petitioner has appeared before the Investigating Officer, however, his statement was not recorded and he has opposed the prayer for making interim anticipatory bail absolute on the ground that the missing excavators are yet to be found.

**5.** I have considered the submissions made by the learned counsel for both the parties and have also perused the materials available on record, including the case diary of Teok P.S. Case No. 155/2023. From the materials available on record, it appears that the present petitioner appears to be the owner of the two excavators which are alleged to have been stolen.

**6.** It also appears that in compliance to the directions of this court, the petitioner has appeared before the Investigating Officer and has co-operated in the investigation. Though the prayer for making interim anticipatory bail has been opposed by the learned Additional Public Prosecutor, however no plausible ground could be shown for opposing the said prayer.

**7.** In view of above, as it appears that the petitioner has complied with the directions of this court, the interim anticipatory bail granted to the above named petitioner, namely, Sri Sunil Upadhaya, by order dated 09.02.2024, is hereby made absolute with condition Nos. (i) and (ii) remaining intact.

**8.** With the above observations, this anticipatory bail application is

disposed of.

**9.** Send back the case diary.

**JUDGE**

**Comparing Assistant**