

GAHC010057102024



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

Case No. : AB/725/2024

GOKUL DUTTA @ GAKUL DUTTA @ MAINA
S/O NITYANANDA DUTTA, R/O RABARBARI, P.S.-BORDUBI, P.O.-MAKUM,
DIST- TINSUKIA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R PHUKAN

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

15.05.2024

Heard Mr. N. J. Gogoi, learned counsel appearing on behalf of Mr. R. Phukan, learned counsel for the petitioner. Also heard Mr. P. Sharma, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with P.R.C. Case No. 888/2023, arising out of Makum P.S. Case No. 363/2015, under Sections 436/427/34 of the Indian Penal Code, pending before the Court of learned Chief Judicial Magistrate, Tinsukia.

Scanned copy of the Case Record, has already been received and I have perused the same and heard both sides.

Mr. Gogoi, learned counsel for the petitioner, has submitted that the present petitioner is innocent and he is no way involved in the alleged offence. He also submitted that the accused/petitioner was not aware about the pendency of this case nor police ever searched him during the investigation of the case. However, only after receipt of the summon from the Court below, he came to know about the case and accordingly, his engaged counsel appeared before the Trial Court and prayed for some time on his behalf. The learned counsel for the petitioner further submitted that the accused, being a local person of his addressed locality, will appear before the learned Court below as and when his presence is required and will contest the case, if the privilege of pre-arrest bail is granted.

In this context, Mr. Sharma, learned Additional Public Prosecutor, has submitted that the present accused/petitioner was avoiding the police arrest since 2015. It is also revealed from the Case Record that several attempts were made by the police to arrest him, but, he avoided the police arrest and remained absconded and for which he could not be arrested in connection with this case during the investigation. Accordingly, he submitted that the accused/petitioner may be directed to appear before the learned Court below with appropriate bail application which may be considered by the Trial Court in accordance with law.

Considering the submissions made by the learned counsels for both sides and also considering the Case Record, I find it appropriate to allow the accused/petitioner to remain on pre-arrest bail till he appears before the learned Trial Court. Accordingly, the present accused/petitioner is hereby directed to appear before the learned Court below within a period of 10 (ten) days from today and file appropriate application for bail, which shall be considered by the learned Court below in accordance with law. Till then, no coercive action shall be taken against the accused/petitioner.

In terms of above, this anticipatory bail application stands disposed of.

JUDGE

Comparing Assistant