

GAHC010062452024



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

Case No. : AB/801/2024

ANKUR KALITA
S/O ASWINI KALITA, VILL- PALARA, P.S.-KAMALPUR, DIST-KAMRUP
(ASSAM)

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MS G DEKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 10-04-2024

Heard Ms. G. Deka, learned counsel for the petitioner Ankur Kalita.

2. The petitioner has filed this application under Section 438 of the Code of Criminal Procedure, 1973 with prayer for pre-arrest bail as he is apprehending arrest in connection with Tamulpur Police Station Case No. 241/2023 under Sections 307/379/511/34 IPC read with Section 25 of Indian Telegraph Act.

3. Heard Mr. K. Baishya, learned Additional Public Prosecutor for the respondent State.

4. The allegation against the petitioner is that he along with his co-accused have been involved in theft of mobile tower batteries. During investigation it was found that an attempt was made to commit theft at the Battery bank, RRU ETC at the Tower situated at GHGMR-1 at village Souraguri. However, the Investigating team could apprehend the miscreants but the petitioner fled the scene.

5. I have considered the submissions at the bar. It is submitted on behalf of the petitioner that he is apprehending arrest as the police has seized the mobile handset from his wife. The co-accused who have already been arrested in connection with this case are on bail.

6. The learned Additional Public Prosecutor has raised objection stating that there are incriminating materials in the case diary against the petitioner.

7. I have perused the case diary. Indeed there are incriminating materials in the case diary against the petitioner. Investigation has progressed to a considerable extent. The petitioner has pledged to cooperate with the remaining part of the investigation as well as with the trial. The petitioner is willing to abide by any bail conditions if imposed upon him. It appears that custodial interrogation may not be required as investigation has progressed to a considerable extent.

8. Considering all aspects and in view of my foregoing discussions, petition is allowed. In the event of his arrest, the petitioner shall be enlarged on bail on furnishing a bail bond of *Rs.20,000/- (Rupees Twenty Thousand)* to the satisfaction of the arresting authority under the conditions that:

- (i) The petitioner shall appear before the Investigating Officer and cooperate with the investigation.
- (ii) The petitioner shall not leave the jurisdiction of the Court till completion of the trial.
- (iii) The petitioner shall refrain from such activities with which he is alleged.

9. On breach of any bail conditions, bail order shall stand cancelled.

Send back the case diary.

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

JUDGE

Comparing Assistant