

GAHC010072632024



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

Case No. : AB/919/2024

SURAJIT DAS
S/O NABAJIT DAS, R/O AMGURI, P.O.-CHARNA BAZAR, P.S.-SIMLA, DIST-
BAKSA (BTR), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. B D GOSWAMI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

03.05.2024

Heard Mr. J.M. Gogoi, learned counsel for the petitioner and Mr. B. Sarma, learned Additional Public Prosecutor for respondent State of Assam.

2. By this application under Section 438, Code of Criminal Procedure, 1973 [CrPC], the petitioner viz. Sri Surajit Das has approached this Court seeking the benefit of pre-arrest bail,

apprehending his arrest, in connection with Simla Police Station Case no. 17/2024 registered under Sections 447/426/380/506, Indian Penal Code [IPC].

3. The allegations against the petitioner in the First Information Report [FIR], lodged on 10.03.2024, are inter alia to the effect that on 27.02.2024, the petitioner trespassed in a tin house situate over a plot of land, covered by Dag no. 236 and Periodic Patta no. 197 at Village – Angulia, Mouza – Kaklabari.

4. The petitioner is an employee of Central Industrial Security Force [CISF].

5. The petitioner was extended interim protection by an order dated 05.04.2024, with a direction to him to appear before the Investigating Officer [I.O.] of the case within a period of 10 [ten] days from 05.04.2024.

6. Mr. Gogoi, learned counsel for the petitioner has submitted that pursuant to the order dated 05.04.2024, the petitioner had appeared before the I.O. of the case within the stipulated time period and thereby, joined the investigation.

7. Mr. Sarma, learned Additional Public Prosecutor has submitted, on instruction, that the I.O. of the case after completion of investigation, has already submitted a charge sheet under Section 173[2], CrPC vide Charge Sheet no. 21/2024 dated 30.04.2024.

8. As the petitioner was provided interim protection by order dated 05.04.2024 whereafter he joined the investigation and the charge sheet has been submitted after completion of investigation thereafter, this application preferred under Section 438, CrPC is closed providing that the benefit of pre-arrest bail under Section 438, CrPC granted in favour of the petitioner by order dated 05.04.2024 shall be in effect till his appearance before the learned jurisdictional trial court on the date fixed for his appearance in the summons, served upon him, to be issued by the learned jurisdictional trial court. It is observed that upon his such appearance before the learned jurisdictional trial court, the petitioner will be at liberty to prefer an application seeking regular bail and in the event such an application is preferred by

the petitioner, the learned jurisdictional trial court will consider the same on its own merits and in accordance with law.

JUDGE

Comparing Assistant