

GAHC010077862024



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

Case No. : AB/1011/2024

GULAP BARAH
S/O DIMBESWAR BARAH
R/O VILL- KADAM TENGABASTI, P.O. KADAMBARI, P.S. BOGINADI, DIST.
LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. K BORUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

10.05.2024

Heard Mr. K. Boruah, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with North Lakhimpur P.S. Case No.80/2024 under Section 379 IPC, this application under Section 438 Cr.P.C. is preferred by the applicant, namely, Gulap Barah, for grant of pre-arrest bail.

3. It is to be noted here that the above-noted case has been registered on the basis

of an FIR lodged by one Prasanta Changmai, Supervisor, Gautam Construction Company, on 31.03.2024. The essence of allegation made in the aforesaid FIR is that on 30.03.2024, 73 bags of cement were found missing from the construction place where they have kept the said cement and it has come to the notice of the informant that some illegal public has seized a tractor loaded with stolen cement at Badakora, Lakhimpur.

4. Mr. Boruah, learned counsel for the applicant submits that the applicant was granted the privilege of interim pre-arrest bail vide order dated 10.04.2024 and pursuant to the said order, the applicant had appeared before the I.O. and cooperating with the investigating agency and therefore, Mr. Boruah contended that the interim order dated 10.04.2024, may be made absolute, in the same terms and conditions.

5. Whereas, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the I.O. has collected some materials in support of the allegation made in the FIR. However, Mr. Sarma also submits that the applicant had appeared before the I.O. and cooperating with the investigating agency.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Sarma, learned Additional P.P.

7. The case diary indicates that the I.O. has collected some materials in support of the allegation made in the FIR and it also appears that the applicant had appeared before the I.O. and cooperating with the investigating agency and his statement is also recorded.

8. In view of above, custodial interrogation of the present applicant seems to be not warranted here in this case and therefore, this Court is inclined to make the interim order dated 10.04.2024, absolute, in the same terms and conditions. Case diary be returned.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant