

GAHC010079792024



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

Case No. : AB/1024/2024

RUP KUMAR DAS
S/O LATE NANI GOPAL DAS,
RESIDENT OF RANI PUKHURI WARD NO. 4, PO BHALUKMARI, PS
LANKA, DIST HOJAI, ASSAM 782446

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : MR. T DEURI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

20.04.2024

Heard Mr. T. Deuri, the learned counsel for the petitioner and Mr. D. Das, the learned Additional Public Prosecutor for the State respondent.

2. This is an application filed under Section 438 of the Cr.P.C. by the accused petitioner, namely, Rup Kumar Das praying for anticipatory bail in

connection with PRC Case No.1482/2022, registered under Sections 120B/376/511/506 of the IPC.

3. It is submitted by Mr. T. Deuri, the learned counsel for the petitioner that with some false and concocted allegation, the FIR was lodged against the accused petitioner. However, during the enquiry of the said case, police never searched for him nor enquired about him though his tea stall is near to the police station. However, the learned counsel for the petitioner submitted that the accused petitioner came to know about the present case only after receiving of the summons issued by the learned Trial Court. Accordingly, the accused petitioner appeared before the Trial Court through his engaged counsel and prayed time for his physical appearance, but as the case is registered under Section 376 IPC, he has the apprehension of being arrested if he appears before the learned committal Court below, and as such, the present pre-arrest bail application has been filed seeking the privilege of pre-arrest bail. The learned counsel for the petitioner submitted that the accused petitioner is ready and willing to appear before the Trial Court, if he is granted the privilege of pre-arrest bail

4. Mr. D. Das, the learned Additional Public Prosecutor for the State respondent submitted that the accused petitioner may be directed to appear before the learned Trial Court with the appropriate application for bail and that the accused petitioner is not entitled to the privilege of pre-arrest bail as the case is pending since last 3 years due to non-appearance of the accused petitioner.

5. Considering the submission made by the learned counsel from both sides and also considering the all aspect of the case, I find it proper to direct the present accused petitioner to appear before the learned Court below with

an appropriate application for bail and in the event of filing such application for bail, the learned Court below shall consider the same in accordance with law.

6. This Court further directs that as an interim protection, no coercive action shall be taken against the accused petitioner within 10 (ten) days from the date of the instant order and the NBWA issued against the present accused petitioner is stayed, if any.

7. With the above discussion, the instant application stands disposed of.

JUDGE

Comparing Assistant