

GAHC010081302024



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

Case No. : AB/1126/2024

RAJU DAS
S/O HARENDRA DAS
R/O GOLAGHATIA BASTI, NEAR POST OFFICE GOLAGHATIA BASTI, P.S.
AND DIST. HOJAI, PIN-782435

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 10.05.2024

Heard Mr. H. R. A. Choudhury, learned Senior Counsel assisted by Mr. R. A. Mazumder, learned counsel for the petitioner. Also heard Ms. A. Begum, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 438 of the Code of Criminal Procedure praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Lumding GRPS Case No. 22/2024, under Sections 394/419 of the Indian Penal Code.

It is submitted by Mr. H. R. A. Choudhury, learned Senior Counsel for the petitioner, that the present accused/petitioner is innocent and he is no way involved in the alleged offence. He is a driver by profession and he used to park his vehicle in the railway station only for the passenger. However, on the day of incident, he was not present in the railway station and he is not at all involved in the alleged offence. More so, from the F.I.R. itself, it is seen that Section 419 IPC does not attract against the present accused/petitioner nor there is any materials in the F.I.R. to attract Section 394 IPC. He further submitted that such kind of incident, as alleged in the F.I.R., cannot take place in the railway station and there are facilities of CCTV Cameras in the railway station. However, he submitted that the accused/ petitioner is ready and willing to co-operate with the I.O. in the further investigation of this case if he is granted with the privilege of pre-arrest bail.

In this context, Ms. A. Begum, learned Additional Public Prosecutor, has submitted that there are sufficient incriminating materials against the present accused/petitioner showing his direct involvement in the alleged offence. Rather, he is one of the prime accused of the offence and is fully involved in the alleged offence and accordingly, she raised objection and submitted that this is not at all a fit case to extend the privilege of pre-arrest bail to the present

accused/petitioner.

After hearing the submissions made by the learned counsels for both sides, I have perused the Case Diary. It is seen that the present accused/petitioner is a driver by profession. But, in the alleged incident, he had prior information regarding the informant, who was coming in the train, and after a proper planning along with the other co-accused person, the offence was committed, wherein the present accused/petitioner is fully involved.

So, considering the allegation made against the present accused/petitioner, viz-a-viz the materials available in the Case Diary, I do not find it a fit case to extend the privilege of pre-arrest bail to the present accused/petitioner and accordingly, the same stands rejected.

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

JUDGE

Comparing Assistant