

GAHC010083002024



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

Case No. : AB/1153/2024

PRABIR BISWAS
C/O SHYAMAL KARMAKAR
R/O B.G. COLONY
BYE LANE NO. 3,
P.S. JALUKBARI
DIST. KAMRUP (R), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A T SARKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 28-06-2024

Heard Mr. A.T. Sarkar, learned counsel for the petitioner Prabir Biswas, who has filed this application under Section 438 of Code of Criminal Procedure, 1973 (CrPC for short) with prayer for pre-arrest bail as he is apprehending

arrest in connection with Jalukbari Police Station Case No. 68/2024 under Sections 420/413/411/406 of the Indian Penal Code, 1860 (IPC for short).

2. Heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam for the State respondent.

3. The FIR unfolds that the SI(P) Dharani Gogoi of Jalukbari Police Station was entrusted to enquire a petition submitted by Thunu Baishya vide Jalukbari PS GDE No. 16 dated 27.01.2024. During enquiry the Police Officer uncovered that fraudulently and with malafide, the petitioner had disappeared with gold ornaments deposited by several customers. It is further alleged that the petitioner is a history sheeter in dealing with stolen property.

4. The learned Additional Public Prosecutor has raised objection against the bail petition stating that there are incriminating materials against the petitioner in the Case Diary. During investigation, several witnesses have given their statements under Section 164 of the CrPC. The magnitude of the offence does not entitle the petitioner to pre-arrest bail.

5. I have also scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner. At this juncture, there appears to be no justified ground to extend the privilege of anticipatory bail to the petitioner.

6. In the above terms, petition stands rejected at this stage.

7. Send back the Case Diary.

JUDGE

Comparing Assistant