

GAHC010085752024



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

Case No. : AB/1113/2024

ANAND YADAV @ ANANDA JADAV
S/O UMA SHANKAR YADAV,
R/O BISHNUPUR
P.S. BHARALUMUKH
DIST.KAMRUP (M), ASSAM

2: ROHIT BHUYAN
S/O HIRA BHUYAN
R/O BISHNUPUR
P.S. BHARALUMUKH
DIST. KAMRUP (M)
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

30.05.2024

Heard Mr. S. Munir, learned counsel for the applicants and also heard Mr. B. Sarma,

learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Bharalumukh P.S. Case No.77/2024 under Section 341/294/325/379/427/34 IPC, this application under Section 438 Cr.P.C. is preferred by two applicants, namely, Anand Yadav and Rohit Bhuyan, 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 Nitul Bora, on 21.04.2024. The essence of allegation made in the aforesaid FIR is that while the informant was installing water pipe and valve at Bishnupur in connection with supply of water, then one Bikash Singh, Biki, Veer, Rohit Bhuyan and Anand Yadav caused mischief of the vehicle (JCB) by which the articles were carried and also took away the key of the said vehicle and assaulted the labours and the driver of the vehicle, and also stolen away the goods from the aforesaid vehicle, and also the mobile handsets of the driver and two labours.

4. Mr. Munir, learned counsel for the applicants submits that the applicants were granted the privilege of interim pre-arrest bail by this Court, vide order dated 30.04.2024 and pursuant to the said order, they had appeared before the I.O. and their statements are also recorded and they have been extending cooperation with the investigating agency and therefore, Mr. Munir has contended that the interim order dated 30.04.2024, may be made absolute, in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the I.O. has collected incriminating materials against the present applicants. However, Mr. Sarma submits that the applicants had appeared before the I.O. and extending cooperation 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. It is not in dispute that the applicants had appeared before the I.O. and cooperating with the investigating agency pursuant to the order of this Court dated 30.04.2024. Though the I.O. has collected some incriminating materials against the present applicants and based on which Mr. Sarma has opposed the prayer, yet, in view of the cooperation being extended by the applicants as well as the progress of investigation, custodial interrogation of the applicants seems to be not warranted here in this case and therefore, this Court is inclined to make the interim order dated 30.04.2024, absolute, in the same terms and conditions. Case diary be returned.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant