

GAHC010090952024



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

Case No. : AB/1177/2024

SANJIB HANDIQUE
S/O DHIREN HANDIQUE
R/O VILL- BOGIDOLE HANDIQUE GAON,
P.O. AND P.S. SIVASAGAR, DIST. SIVASAGAR, ASSAM, PIN-785640

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. P GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 17.05.2024

Heard Mr. L. Mohan, learned counsel for the applicant. Also heard Mr. B.B. Gogoi, learned Addl. Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Sivasagar P.S. Case No. 36/2024, under Section 379 of the IPC, this application under Section 438 Cr.P.C. has been preferred by applicant, Sanjib Handique, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Prasanta Buragohain, Assistant Executive Engineer, PWRD on 06.04.2024. The essence of allegation made in the FIR dated 06.04.2024, is that on 05.04.2024, some miscreants had stolen iron pipes from nearby area of RCC Bridge No. ¼ over river Demow at Sologori on Kharikati Ali and the said materials were recovered and seized from a vehicle, bearing Registration No. AS-04-BC-9094.

4. Mr. Mohan, learned counsel for the applicant submits that the applicant is a local contractor and he used to do contract works and that he has nothing to with the stolen iron pipes, and as he is a contractor, he is being searched by police, and that he is ready to cooperate with the investigating agency, and therefore, it is contended to allow the application.

5. On the other hand, Mr. B.B. Gogoi, the learned Addl. Public Prosecutor has produced the case diary before this Court and submits that the I.O. has collected some incriminating materials against the present applicant. However, Mr. Gogoi submits that the stolen articles have already been recovered and seized by police.

6. Having heard the submission of learned Advocates of both sides, I have gone through the application and the documents placed on record and also perused the case diary with the assistance of Mr. Gogoi, learned Addl. Public Prosecutor.

7. The case diary indicates that the stolen articles have already been recovered and seized by police. Further, it appears that the I.O. has collected some materials in support of the allegation made in the FIR against the present applicant. But, it appears that the material part of the investigation is almost completed. And as the applicant has assured to extend cooperation with the

investigation agency. Under the given facts and circumstances, this Court is inclined to allow the petition.

8. Accordingly, it is provided that in the event of arrest of the applicant in connection with Sivasagar P.S. Case No. 36/2024, under Section 379 of the IPC, he shall be released on pre-arrest bail on executing a bond of Rs. 50,000/- with one surety of like amount to the satisfaction of the arresting authority. The above privilege is, however, subject to the following conditions:

- (i) The applicant shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- (iii) The applicant shall not leave the jurisdiction of the learned C.J.M., Sivasagar without prior permission.

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

10. Case diary be returned.

JUDGE

Comparing Assistant