

GAHC010092602024



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

Case No. : AB/1220/2024

BIKI KEWAT
S/O BINOD KEWAT
R/O VILL- BISHNUPUR, GUWAHATI
P.O. AND P.S. BHARALUMUKH
DIST. KAMRUP, ASSAM
PIN- 781009

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MRS. A GAYAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 16.05.2024

Heard Ms. A. Gayan, learned counsel for the applicant. Also heard Ms. N. Das, learned Addl. Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Bharalumukh P.S. Case No.

77/2024, under Sections 341/294/325/427/379/34 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant, namely, Biki Kewat 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 Nitul Bora on 21.04.2024. The essence of allegation made in the FIR dated 21.04.2024, 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. Ms. Gayan, learned counsel for the applicant submits that the applicant is innocent and no way involved with the offence alleged in the FIR, 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, Ms. N. Das, learned Addl. Public Prosecutor has produced the case diary before this Court and submits that the I.O. has collected sufficient incriminating materials against the applicant and that the driver of the JCB and some other labours have sustained injuries on their person, and that investigation is going on, and therefore, it is contended to dismiss the application.

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

7. The case diary indicates that the I.O. has collected sufficient incriminating materials against the applicant. Further, it appears that the driver and some labours have sustained injuries in the said incident, and the co-accused are yet to be arrested, investigation is going on and therefore, extending the privilege of pre-arrest bail to the applicant at this stage, will hamper the investigation, and accordingly, the anticipatory bail application stands dismissed.

8. Case diary be returned.

JUDGE

Comparing Assistant