

GAHC010099282024



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

Case No. : AB/1302/2024

HARI PRASAD PANDIYA
S/O SRI DURGA PRASAD PANDIYA
R/O VILL- MAZGAON
NABAPUR, P.O. NIKAMUL, P.S. TEZPUR,
DIST. SONITPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A GANGULY, MR. A DHANUKA, MR. A DUTTA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 02-08-2024

Heard Mr. A. Ganguly, learned counsel for the petitioner Sri Hari Prasad Pandiya, who has filed this application under Section 438 of the Code of Criminal Procedure, 1973 with prayer for pre-arrest bail as he is apprehending arrest in connection with Tezpur Police Station Case No. 198/2024 (G.R. Case

No. 566/2024) under Sections 454/380 of the Indian Penal Code, 1860 (IPC for short).

2. The owner of the SR Granites and Tiles lodged an FIR that in the afternoon of 14.04.2024 he received an information relating to something suspicious in his showroom. When the informant asked his staff to check, he was informed that everything was normal but the CCTV camera was not working. Then, he along with his brother-in-law and cousin reached his showroom at about 4 PM and found that cash amounting to Rs.1,35,000/- (Rupees One Lac Thirty Five Thousand) as well as some tiles design were missing. Next morning from 15.04.2024, the senior staff who was in-charge of over all activities in the showroom was found missing from the showroom till 16.04.2024.

3. It is submitted on behalf of the petitioner that the present is the owner of another tiles showroom and he has also his GST registration certification, which is marked as Annexure-2 of the petition.

4. Heard Mr. B.B. Gogoi, learned Additional Public Prosecutor, Assam for the respondent State. The learned Additional Public Prosecutor has submitted that there are no direct incriminating materials in the Case Diary against the present petitioner.

5. The present petitioner was granted interim bail vide order dated 21.05.2024 passed by a Coordinate bench of this Court.

6. I have scrutinized the Case Diary. The statement of the present petitioner has been recorded. The petitioner has not violated any bail conditions. The petitioner is a local resident and he is not a flight risk. The petitioner is willing to abide by any stringent bail conditions if imposed upon him.

7. Considering all aspects and in view of my foregoing discussions, the interim order dated 21.05.2024 is hereby made absolute under the same terms and conditions.
8. In terms of the above observations, this Anticipatory Bail application stands disposed of.
9. Send back the Case Diary.

JUDGE

Comparing Assistant