

GAHC010101732024



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

Case No. : AB/1326/2024

KAMAL DAS
S/O SRI BANJIT DAS, R/O VILL- DUBAGAON, P.S.-, DIST- BAKSA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R BARUAH

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

13.06.2024

Heard Mr R Baruah, learned counsel for the petitioner, Kamal Das, who has filed this application under Section 438 CrPC, with prayer for pre-arrest bail, as he is apprehending arrest in connection with Boko PS Case No. 190/2024, corresponding to GR Case No. 234(k)/2024, under Sections 341/394/506 of the Indian Penal Code, 1860.

2. Heard Ms N Das, learned Additional Public Prosecutor for the State of Assam

3. It is submitted on behalf of the petitioner that he is in no way connected with this

case.

4. This case is related to dacoity of 320 bags of sugar, which was being transported by a truck bearing Registration No. AS-01-NC-1586, to Meghalaya. This truck was waylaid by some masked miscreants, who were travelling in a Bolero. The miscreants dragged out the driver of the truck and took away the truck along with the loaded goods.

5. I have scrutinized the Case Diary.

6. It appears that pre-arrest bail may be granted to the petitioner.

7. It appears that custodial interrogation may not be required.

8. Considering all aspects, petition is allowed. In the event of his arrest, the petitioner shall be enlarged on bail of Rs. 30,000/-, with one suitable surety of the like amount to the satisfaction of the arresting authority, under the conditions that:-

- i) the petitioner shall appear before the IO within 10 (ten) days and cooperate with the investigation,
- ii) the petitioner shall not exercise threats to the witnesses,
- iii) the petitioner shall refrain from such activities with which he is alleged, and
- iv) the petitioner shall not leave the jurisdiction of the Court without prior permission, till completion of investigation.

On breach of any bail conditions, bail order shall stand cancelled.

9. Bail Application stands disposed of.
10. Send back the Case Diary

JUDGE

Comparing Assistant