

GAHC010103952024



2024:GAU-AS:11205

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

Case No. : AB/1363/2024

RAJU DAS
S/O LATE AKAN DAS, R/O GHORAMARA, P.O. AND P.S.-LAKHIMPUR
SADAR, PIN-787032, DIST- LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR P P MEDHI, MR G BARGAYARY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

18-11-2024

Heard Mr. P P Medhi, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State.

2. Pursuant to the order dated 11.11.2024, the concerned Investigating Officer of North Lakhimpur Police Station Case No. 114/2024, namely, Sumonta Kakati, Sub-Inspector of Police, is personally present before the Court today.

- 3.** The petitioner, namely, **Raju Das**, apprehending his arrest, has filed this application under Section 438 of the CrPC, seeking pre-arrest bail in North Lakhimpur Police Station Case No. 114/2024 registered under Sections 147/333/353 of IPC read with Section 3 of the Prevention of Damage to Public Property Act, 1984.
- 4.** The Court by order dated 28.05.2024 called for the relevant case diary, fixing the matter on 11.06.2024.
- 5.** On 11.06.2024 the Court fixed the matter on 19.06.2024, grating time to the concerned I.O. of the case to place the case diary.
- 6.** Similarly, on 19.06.2024, 27.06.2024, 29.07.2024, 05.09.2024, 20.09.2024, 28.10.2024 and 11.11.2024, the Court granted time to the concerned I.O. of said North Lakhimpur P.S. Case No. 114/2024 to place the relevant case diary.
- 7.** Today, when the matter was taken up for consideration, Mr. B Sarma, learned APP, Assam, on instruction, submitted that Charge-Sheet in said North Lakhimpur P.S. Case No. 114/2024 has already been filed on 30.08.2024 vide Charge-Sheet No. 156/2024. This clearly indicates non-compliance of the orders of the Court by the concerned Investigating Officer of the case and thereby obstructing the adjudication of this pre-arrest bail application.
- 8.** On being enquired, the concerned I.O. of said North Lakhimpur P.S. Case No. 114/2024, Sumonta Kakati giving assurance before the Court submitted that he will not commit such kind of mistakes and that he shall comply with the orders of the Court diligently at the earliest.
- 9.** Considering his such submission, personal appearance of the concerned Investigating Officer of North Lakhimpur Police Station Case No. 114/2024, namely, Sumonta Kakati is dispensed with, expecting that in future he will comply with all the terms and conditions specified by the Court of law.
- 10.** As police after completion of investigation has already submitted Charge-Sheet in the case vide Charge-Sheet No. 156/2024 dated 30.08.2024, the petitioner, named above, is directed to approach the appropriate authority/forum for his regular bail in said North Lakhimpur P.S.

Case No. 114/2024.

11. With the above observation and direction, this pre-arrest bail application stands closed.

JUDGE

Comparing Assistant