

GAHC010107832024



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

Case No. : AB/1405/2024

HIRANYA PATHAK
S/O TANU RAM PATHAK,
RESIDENT OF NARENGI HOUSING COLONY, BIRKUCHI NO. 2, PO
NARENGI, DIST KAMRUP M ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP ASSAM

Advocate for the Petitioner : A KALITA, MR P J DUTTA, MISS. J GOGOI, MR. B P BORAH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 07.08.2024

Heard Mr. B. P. Borah, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State of Assam.

2. This is an application filed under Section 438 of the Code of Criminal Procedure Code 1973 in respect of Golaghat P.S. Case No.246/2022 registered under Sections 120(B), 403/409 of the Indian Penal Code.

3. The informant is a contractor in the Forest Department. On one occasion, the Divisional Forest Officer, Golaghat Division had issued a Notice Inviting Tender (NIT) for debarking and stacking of logs and firewood etc. at a temporary timber depot on 17.11.2020. The petitioner was given the work. While doing the work, he filed a running bill. His bill was not paid rather the amount of Rs.7,50,000/- was paid to somebody else in respect of another bill. The informant has alleged that the present petitioner being the DFO had criminal intention.

4. I have considered the submissions made by the learned counsels for both the sides. On a plain reading of the FIR, no prima facie criminal case has been made out against the present petitioner. Therefore, he does not deserve to be detained in custody. Accordingly, his prayer for anticipatory bail is allowed.

5. The Interim order dated 31.05.2024 is made absolute.

6. The bail application disposed of.

Case Diary shall be returned.

JUDGE

Comparing Assistant