

GAHC010110712024



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

Case No. : AB/1449/2024

DALIM DAS
S/O LATE SURENDRA NATH DAS
R/O NAYANPUR, BYELANE-2, H/NO. 16, GANESHGURI, GUWAHATI-781005,
DIST. KAMRUP (METRO), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. B D KONWAR SR. ADV.
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 22.07.2024

Heard Mr. B.D. Konwar, learned senior counsel, assisted by Mr. H. Agarwal, learned counsel for the petitioner and Mr. P Borthakur, learned Addl. Public Prosecutor appearing on behalf of the State respondent.

This is an application under Section 438 Cr.P.C., seeking pre-arrest bail by the petitioner namely **Sri Dalim Das** in connection with ACB P.S. Case No. 44/2024 under Sections 468/ 471 IPC.

Case diary is received and perused.

Heard both sides.

It is submitted by Mr. Konwar, learned senior counsel for the petitioner that the petitioner is innocent and he is in no way connected with the alleged offence. He further submitted that a false and concocted allegation has been brought against the petitioner only after filing of the contempt petition by the petitioner. After obtaining interim pre-arrest bail, the petitioner has appeared before the I.O. and has cooperated with the investigation. He further submitted that the petitioner is ready and willing to cooperate with the investigation, if he is granted the privilege of pre-arrest bail by this court. More so, the petitioner got retired from service on 31.03.2023 and in this regard an order was also passed by this Court in the writ petition and for non-compliance of the direction of this court, the petitioner has filed contempt petition and thereafter, the FIR has been filed against the present petitioner with some false and concocted allegation. However, the entire case is based on documentary evidence and as he has already retired from service he has no access to the documents of the department. Hence, the custodial interrogation may not be required in the interest of investigation in this case.

In this context, Mr. Borthakur, the learned Addl. Public Prosecutor has submitted that after obtaining the interim pre-arrest bail the petitioner has appeared before the I.O. and his statement has been recorded. He further submits that the investigation has substantially progressed though some documents are yet to be received from the Department. However, prima facie there are some manipulation in the service record as revealed from the case diary. As the investigation has been progressed, he submits that the petition may be allowed.

Considering the submissions of the learned counsel for the parties and considering the materials available in the case diary, this Court is of the view that custodial interrogation of the petitioner may not be warranted in the present case, for the interest of further investigation.

Accordingly it is hereby directed that the interim pre-arrest bail granted to the petitioner vide order dated 04.06.2024 is hereby made absolute with the same terms and condition as mentioned in the interim order itself.

With the above observation, the bail application is disposed of.

Returned the case diary.

JUDGE

Comparing Assistant