

GAHC010117882024



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

Case No. : AB/1545/2024

VIYAJ KUMAR HANDIQUE
S/O SRI DINANATH HANDIQUE
R/O VILL- SATGAON, PRAGATI NAGAR,
PO. UDAYAN VIHAR,P.S. SATGAON
DIST. KAMRUP (METRO), ASSAM
PIN-781171

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR N KALITA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 28.06.2024

- 1.** Heard Mr. S. H. Sikdar, learned counsel for the petitioner. Also heard Mr. R. R. Kaushik, learned Additional Public Prosecutor for the State respondent.
- 2.** This application has been preferred under Section 438 of Code of

Criminal Procedure, 1973, by the petitioner, namely, Vijay Kumar Handique who is apprehending his arrest in connection with Geetanagar P. S. Case No. 47/2024 registered under Section 420 of the Indian Penal Code corresponding to G. R. Case No.907/2024.

3. The gist of the accusation in this case is that on 17.02.2024, one Banajit Patowari had lodged an FIR before the Officer-in-Charge of Geetanagar Police Station regarding theft of his vehicle bearing Registration No. AS01ET9464, suspecting two accused persons of the said theft including the present petitioner.

4. The learned counsel for the petitioner has submitted that in the meanwhile, the stolen vehicle has already been recovered. It is also submitted that the vehicle was taken by the driver of the informant, namely Ashish Chiraniya and the informant has also sworn affidavit showing to the intent that the informant does not want to pursue the FIR which has been filed by him as his vehicle has been recovered.

5. A copy of this affidavit has been submitted by the learned counsel for the petitioner, which is marked as 'X' and placed with the case record.

6. On the other hand, learned Additional Public Prosecutor has produced the case study of Geetanagar P. S. Case No. 47/2024 and has submitted that from the case diary, it appears that the vehicle was taken away by the driver of the informant and accused No. 2, mentioned in the FIR.

7. I have considered the submissions made by the learned counsel for the parties as well as gone through the materials available in the case diary of Geetanagar P. S. Case No. 47/2024.

8. Considering the fact that the stolen vehicle has been recovered as well as considering the submissions made by the learned counsel for the petitioner

as discussed herein above, the custodial detention of the present petitioner does not appear to be necessary for fair completion of the investigation of Geetanagar P. S. Case No. 47/2024.

9. Hence, the above-mentioned petitioner is directed to appear before the investigating officer of Geetanagar P. S. Case No. 47/2024 within a period of 10 days and cooperate in the investigation. If he do so within the stipulated period of time, in the event of his arrest in connection with Geetanagar P. S. Case No. 47/2024, he shall be allowed to go on bail of Rs.30,000/- (Rupees Thirty Thousand only) with one surety of like amount to the satisfaction of the arresting authority subject to the following conditions:

i. That the petitioner shall co-operate in the investigation.

ii. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case, so as to dissuade such person from disclosing such facts of the case before the Investigating Officer.

10. With the above observation, this anticipatory bail application is disposed of.

11. Send back the case diary.

JUDGE

Comparing Assistant