

GAHC010121512024



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

Case No. : AB/1578/2024

BIPUL ADHIKARY
S/O SUKUMAR ADHIKARI, R/O NAYAPARA PT-1, P.O. AND P.S.-
BONGAIGAON, PIN-783380, DIST- BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR Z ALAM

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

25.06.2024

Heard Mr. Z. Alam, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State respondent.

This application filed under Section 438 of the Code of Criminal Procedure, 1973, praying for granting pre-arrest bail to the accused/petitioner in connection with Bongaigoan P.S. Case No.186/2024 registered under Section 420 of IPC *read with* Sections 13/14 of the Assam Game and Betting Act, 1970.

The Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioner, Mr. Alam that the present petitioner is innocent and he is no way involved in the alleged offence. From the FIR statement, it is seen that the present petitioner was working as an agent under the two accused persons namely Debo Prasad Sarkar and Sankar Dutta, but, he was not present at the place of occurrence at the relevant time of the incident. Further, it is submitted that the accused/petitioner is a permanent resident of his addressed locality and there is no chance of absconding and thus, he prays to grant pre-arrest bail to the accused/petitioner and also submits that the interrogation of the accused/petitioner may not be required for the interest of investigation, however, he is ready to co-operate with the investigating agency if the same is allowed.

In this context, Mr. Baruah, learned Additional Public Prosecutor submits that the accused/petitioner could not be apprehended by the police as he fled away from the place of occurrence, but from the materials in the Case Diary, it revealed that he

was associated with the accused in committing the offence and thus, his custodial interrogation will be necessary for the interest of investigation. He further raised objection in granting the privilege of pre-arrest bail to the accused/petitioner at this stage.

After hearing the submission made by the learned Advocates of both sides as well as perusing the Case Diary, I find that custodial interrogation of the accused/applicant may be necessary to unearth some more facts of the case and accordingly, I am of the view that this is not a fit case, where, the privilege of pre-arrest bail can be granted to the accused/applicant at this stage and accordingly, the same stands rejected.

In view of above, this Anticipatory Bail application stands disposed of.

Case Diary be returned.

JUDGE

Comparing Assistant