

GAHC010130422024



2024:GAU-AS:9619

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

Case No. : AB/1674/2024

DUSMANTA SARMAH
S/O LAKHMAN DEV SARMAH, A RESIDENT OF VILL- PATIA PUKHURI, P.S.
THELAMARA
DIST. SONITPUR, ASSAM
PIN-784149

2: BHOGESWAR DAS
S/O MADHAB CHANDRA DAS
A RESIDENT OF VILL- KOWMARI
P.S. THELAMARA DIST. SONITPUR
ASSAM
PIN-78414

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : T A LASKAR, MR S A BARBHUYAN

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

25.09.2024

1. Heard Mr. T. A. Laskar, learned counsel for the petitioners. Also heard R R Kaushik, learned Additional Public Prosecutor for the State.

2. This application has been filed under Section 438 of the Code of Criminal Procedure, 1973 has been filed by the petitioners, namely, 1. Dusmanta Sarmah and 2. Bhogeswar Das, who are apprehending their arrest in connection with Thelamara P.S. Case No. 40/2024 under Sections 420/406/468/34 of the Indian Penal Code.

3. The gist of accusation is that on 17.06.2024, one Deep Saikia and 13 other informants have lodged an FIR before the Officer-in-Charge of Thelamara Police Station, inter alia, alleging that the organizing of the gift coupon game which was held on 10th June, 2024 for the aid of Sri Sri Surabi Ashram Harihar Mandir had indulged in mismanagement and certain anomalies were committed while conducting the said gift coupon game. It is also alleged that while conducting the said gift coupon game, no tax was paid by the said committee and various other anomalies were conducted by the lottery game committee.

4. The learned counsel for the petitioners has submitted that the petitioners are the members of the organizing committee of the said gift coupon game which was held in aid of Sri Sri Surabi Ashram Harihar Mandir and for conducting the said gift coupon game, necessary permission was obtained from the district administration and no anomalies were conducted for conduct of the said gift coupon game.

5. The learned counsel for the petitioners has also submitted that as the petitioners are the members of the organizing committee of the gift coupon game, after registration of the FIR, the Police is searching for them and, therefore, they are apprehending their

arrest. It is also submitted that the petitioners are willing to cooperate in the investigation.

5. Case Diary is received.

6. I have considered the submissions at the Bar with circumspection.

7. I have also scrutinized the Case Diary.

8. The petitioner has appeared before the IO and he has cooperated with the investigation. The petitioner has not violated any bail conditions.

9. Considering all aspects, interim order dated 27.06.2024, is hereby made absolute, under the same terms and conditions.

10. Anticipatory Bail Application stands disposed of.

11. Send back the Case Diary.

JUDGE

Comparing Assistant