

GAHC010132912024



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

Case No. : AB/1721/2024

SWMKHWR SWARGIARY
S/O DIPAK SWARGIARY, R/O VILL- HAHCHAR NO. 1, P.O.-RUPOHI, P.S.-
SALBARI, DIST- BAKSA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. N K KALITA,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 31-07-2024

Heard Mr. N.K. Kalita, learned counsel for the petitioner Swmkhwr Swargiary, who has filed this application under Section 438 of the Code of Criminal Procedure, 1973 with prayer for pre-arrest bail as he is apprehending arrest in connection with Simla Police Station Case No. 36/2024 under Sections 401/411 of the Indian Penal Code, 1860 (G.R. No. 392/2024).

2. The allegation against the petitioner is that he has sold a stolen bike bearing registration No. AS01FL3249 to Sanjay Brahma.
3. The learned Additional Public Prosecutor has submitted that there are incriminating materials against the petitioner. The petitioner has sold several stolen bikes to different purchasers and they have purchased the bikes as the petitioner has offered the same at a lower rates as compared to the market price.
4. I have scrutinized the Case Diary. Indeed there are incriminating materials in the Case Diary. There appears to be no justified ground to extend the privilege of anticipatory bail to the petitioner at this stage.
5. Petition stands rejected at this stage.
6. Send back the Case Diary.

JUDGE

Comparing Assistant