

GAHC010142942024



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

Case No. : AB/1860/2024

SUNIL KUMAR DAS
S/O LATE GANESH CH. DAS, R/O VILL- BASONTIPARA, ABHAYAPURI,
WARD NO. 3, P.O.-ABHAYAPURI, P.S.-ABHAYAPURI, DIST- BONGAIGAON,
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M AHMED, MD I H LASKAR

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 20.09.2024

Heard Mr. M. Ahmed, learned counsel for the petitioner. Also heard Ms. A. Begum, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 praying for grant of pre-arrest bail to the accused/petitioner, who is apprehending arrest in connection with Baghbar P.S. Case No. 41/2024, under Section 120(B)/420/406/409 of the India Penal Code *read with* Sections 7 (ii) of the Essential Commodities Act, 1955.

Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. Ahmed, learned counsel for the petitioner, that the present petitioner is innocent and he is no way involved in the offence of misappropriation of NFSA rice which was meant for the beneficiaries. After obtaining the privilege of interim pre-arrest bail, the petitioner has already appeared before the I.O. and co-operated in the investigation of this case. He further submitted that at the relevant point of time, he was discharging his duty as Food Inspector and he was the In-Charge of GPSS Paschim Mandia GPSS and since there was an allegation of misappropriation of NFSA rice, he, being the Inspector, conducted an enquiry and submitted a report and on the basis of which, he was directed by the authority concerned to lodge the F.I.R. against the co-accused, Abul Kalam Azad, who was working as Secretary of that GPSS, and accordingly, the F.I.R. was lodged on 22.08.2023 on the basis of which, the co-accused was also arrested in connection with the above referred case. However, he is still ready and willing to co-operate with the I.O. in the further investigation of this case if his co-operation will be required.

Ms. A. Begum, learned Additional Public Prosecutor, has submitted in this regard that after obtaining the order of interim pre-arrest bail, the

accused/petitioner has already appeared before the I.O. and his statement is also recorded under Section 161 Cr.P.C. She also submitted that as per the materials available in the Case Diary, it is seen that the petitioner was discharging his duty as Food and Supplies Inspector at the relevant time of incident when the complaint was made before him regarding misappropriation of NFSA rice for the beneficiaries by the co-accused, Abul Kalam Azad. However, she fairly submitted that there is no other material against the present accused/petitioner in the Case Diary except the only allegation brought by the beneficiaries that he did not investigate the matter.

Considering the submissions made by the learned counsels for both sides, materials available in the Case Diary and other aspects of the case, viz-a-viz the co-operation extended by the present accused/petitioner, I find it a fit case to extend the privilege of pre-arrest bail to the accused/petitioner. Accordingly, the interim pre-arrest bail order, granted to the accused/ petitioner vide order dated 05.08.2024, is hereby made absolute in the same terms and conditions.

In terms of above, this anticipatory bail application stands disposed of.

The Case Diary be sent back.

JUDGE

Comparing Assistant