

GAHC010145042024



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

Case No. : AB/1871/2024

LANKESWAR DEBNATH
S/O DHIREN DEBNATH, R/O VILL- BHUTIAPARA, P.S.-BASUGAON, P.O.-
BASUGAON, DIST- CHIRANG, ASSAM, PIN-783370

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S C BISWAS, MR. A K DAS, MS A BORAH, MS. U
NANDA, MS A DAS, MS. K L R YANTHAN

Advocate for the Respondent : PP, ASSAM,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

19.08.2024

Heard Mr. S.C. Biswas, the learned counsel appearing for the petitioner.
Also heard Mr. D. Das, the learned Addl. Public Prosecutor, Assam.

2. This is an application under Section 482 of the BNSS, 2023 praying for anticipatory bail in respect of Kokrajhar P.S. Case No.144/2024 under Sections 392 of the IPC (corresponding to G.R. No.294/2024).
3. The informant company was bringing an amount of ₹34,51,816/- from LICl, Kokrajhar to the Axis Bank at Tengapara, Kokrajhar. One officer named Prasenjit Roy, Chief Executive of the company was in that van. There was a gunman also. The vehicle/van was driven by another person. At the time of entering into the Axis Bank, some unknown persons in a motorcycle attacked them and snatched away the money from them. The gunman also fired at them, causing injury to one miscreant.
4. The present petitioner is the owner of the van/vehicle used by the informant company for transferring cash. He gets monthly remuneration for renting the vehicle to the company.
5. Now, the petitioner apprehends that he might also be arrest in the aforesaid case.
6. Mr. Das has submitted that the case diary reveals incriminating materials against the present petitioner because the entire money has not been recovered yet and an amount of ₹3,000,00/- was recovered from the house of the petitioner. According to Mr. Das, in this case, custodial interrogation is necessary.
7. I have considered the submissions made by the learned counsel of both sides.
8. This Court is of the opinion that custodial interrogation of the present petitioner might be necessary for investigation of this case. Therefore, the pre-arrest bail application filed by the petitioner Sri Lankeswar Debnath is not found to be satisfactory and stands dismissed accordingly.

Return the case diary.

JUDGE

Comparing Assistant