

GAHC010167672024



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

Case No. : AB/2182/2024

MANABENDRA THAKURIA AND ANR.
S/O SIDDHESWAR THAKURIA
R/OVILL- SANPARA
P.O. JHAROBARI, P.S. PALASHBARI,
PIN- 781122

2: JATIN KALITA
R/O VILL- BORTEZPUR
P.O. KUKURMARA
P.S. PALASHBRI
PIN-781134
DIST. KAMRUP ®, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. D K DAS, MS. M HANDIQUE,MR P P MEDHI,MR G
BARGAYARY

Advocate for the Respondent : PP, ASSAM,

BEFORE

HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

28.08.2024

Heard Mr D K Das, learned counsel for the petitioners, 1) Manabendra Thakuria and

2) Jatin Kalita, who have filed this application Section 482 of the BNSS, 2023, with payer for pre-arrest bail, as they are apprehending arrest in connection with Palashbari PS Case No. 247/2024, under Section 381 of the Indian Penal Code, 1860.

2. Heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam.

3. The allegation against the petitioners is that a security service agency was appointed by the Liquidator Sudha Sarma, who took possession of various machinery items, pipes and other construction materials belonging to NIPL, which was dumped at Kukurmara. Certain machineries, papers as well as pipes, construction materials and scraps were stolen from the site on 30.06.2024. Two accused have been arrested.

4. The present petitioners are apprehending arrest as the Police has visited them.

5. The learned Additional Public Prosecutor has raised objection stating that there are incriminating materials in the Case Diary, against the petitioner No. 1.

6. I have also scrutinized the Case Diary.

7. Indeed there are incriminating materials in the Case Diary against the petitioner No.

1. At this juncture, there appears to be no justified ground to extend the privilege of anticipatory bail to the petitioner No. 1, Manabendra Thakuria. Hence, the petition, so far as the petitioner No. 1 is concerned, stands rejected at this stage.

8. Meanwhile, in the event of his arrest, the petitioner No. 2, Jatin Kalita, shall be enlarged on bail of Rs 30,000/- (Rupees Thirty Thousand), with a suitable surety of the like amount, to the satisfaction of the arresting authority, under the conditions that-

i) the petitioner No. 2 shall appear before the IO within one week and

cooperate with the investigation,

ii) the petitioner No. 2 shall refrain from such activities with which he is alleged, and

iii) the petitioner No. 2 shall not leave the jurisdiction of the Court, without prior permission.

8.1. On breach of any of the bail conditions, interim pre-arrest bail order shall automatically stand cancelled.

9. Anticipatory Bail Application stands disposed of.

10. Send back the Case Diary.

JUDGE

Comparing Assistant