

GAHC010167762024



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

Case No. : AB/2184/2024

PUNAM RABHA
S/O SRI PADMADHAR RABHA
R/O VILL- HATIBANDHA, KOKRAJHAR
P.S. BOGRIBARI, P.O. DEBITOLA
DIST. KOKRAJHAR, ASSAM- 783339

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : R DAS, MS. M BEGUM, MR. S K NATH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

13-11-2024

Heard Mr. R. Das, learned counsel for the petitioner and Mr. K. K. Parasar, learned Additional Public Prosecutor, Assam for the State.

2. By this application under Section 482 BNSS, 2023, the petitioner, namely, **Punam Rabha**, son of Padmadhar Rabha, resident of Village-Hatibandha, P.S.

Bogribari, District-Kokrajhar apprehending his arrest is seeking pre-arrest bail in **Ratabari P.S. Case No. 157/2024**, corresponding to G.R. No. 1462/2024 registered under Sections 406/420/379 IPC.

3. Mr. Parasar, learned APP, Assam has placed the relevant case diary.
4. From the case diary it is seen that the petitioner after obtaining interim bail in said Ratabari P.S. Case No. 157/2024, appeared before the concerned Investigating Officer of the case and his statement has already been recorded.
5. Matter relates to 24,000 KG of natural rubber sheet amounting to Rs.45,10,800/- that was being transported by the complainant from Badrul Hoque Enterprise, Silchar to Murli Enterprise, Delhi by a hired truck bearing Registration No.WB-53-C-0834 through Guru Nanak Road Line Transport Company, then it did not reach its destination within the time. Though the complainant tried to reach out to the driver and helper and the owner of the said vehicle, they did not respond. Accordingly the FIR was lodged on 18.07.2024 before the Officer-in-Charge of Ratabari Police Station, which was accordingly, registered as Ratabari P.S. Case No. 157/2024.
6. After registration of the said case, police after investigating the matter, could found that the said truck was diverted by the owner and the driver and the natural rubber were unloaded in a rubber camp of the petitioner. The petitioner is in the business of selling natural rubber.
7. Case diary reveals that the driver and the owner of the truck failed to place any valid document including the challan of carrying such natural rubber. The proposal given by another accused of the case was not accepted by the petitioner and also rejected such rubber because of its inferior quality.
8. From the case diary it is seen that the petitioner received proposal from

one Grapshing Sangma for buying of such natural rubber from the truck. However, the petitioner gave the proposal to one Premadhar Hazawary and both of them decided not the purchase such rubber because of its inferior quality as well as those were without any valid challans.

9. Considering such materials in the case diary, this Court is of the view that custodial detention of the petitioner, named above, is not warranted for investigation of said Ratabari P.S. Case No. 157/2024.

10. Accordingly, the interim pre-arrest bail granted to the petitioner, namely, **Punam Rabha** on 28.08.2024 in said Ratabari P.S. Case No. 157/2024 corresponding to G.R. No. 1462/2024 registered under Sections 406/420/379 IPC, is hereby made absolute, subject to the compliance of the terms and conditions as specified in the order dated 16.08.2024.

11. This pre-arrest bail application accordingly stands disposed of.

12. Return the case diary herewith.

JUDGE

Comparing Assistant