

GAHC010169542023



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

Case No. : AB/2706/2023

PRIYA NATH TALUKDAR @ PRIYO TALUKDAR
S/O LATE BIPIN TALUKDAR
VILL P.O. JAGARA
P.S. BELSOR
DIST. NALBARI, ASSAM
PIN-781310

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S BARMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

27.02.2024

Heard Mr. S. Barman, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Basistha P.S. Case No.423/2023, under Section 407 IPC, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Priya Nath Talukdar @ Priyo Talukdar, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Tajendra Kumar on 18.07.2023. The essence of allegation made in the aforesaid FIR is that on 06.07.2023, 800 bags of cement were transported in a Truck, bearing Registration No.AS-01LC-6527 from Jorabat to Dimapur through the transporter Jay Bhikasu Road Lines and the driver of the said vehicle was Shri Priya Nath Talukdar, but the said vehicle did not reached its destination and the informant found the mobile phone of the driver switched off and thereafter, they have found the Truck at Khatkhathi and the driver was not there and also found 448 begs of cement missing from the said vehicle.

4. Mr. Barman, learned counsel for the applicant submits that this Court vide order dated 24.08.2023 was pleased to grant interim protection to the applicant and pursuant to the said order, he had appeared before the I.O. and cooperating with the investigating agency and therefore, a contention is being made that the interim order dated 24.08.2023, may be made absolute, in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the case diary has not been updated since 18.07.2023. However, Mr. Sarma, learned Additional P.P. obtaining information from the I.O. concerned submits before the Court that the applicant had appeared before the I.O. and his statement is recorded.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Sarma, learned Additional P.P.

7. The case diary indicates that the I.O. has collected sufficient incriminating materials against the present applicant. But, it appears that the applicant has been cooperating

with the investigating agency and in that view of the matter, custodial interrogation of the applicant seems to be not warranted here in this case and therefore, this Court is inclined to make the interim order dated 24.08.2023, absolute, in the same terms and conditions. Case diary be returned.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant