

GAHC010178572023



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

Case No. : AB/2823/2023

PRANJIT KALITA
S/O TARANI KALITA R/O H/NO 15 NEAR BORSAJAI L P. SCHOOL LALMATI
P.O. AND P.S BASISTHA GUWAHATI 781029 DIST. KAMRUP (M) ASSAM

VERSUS

THE STATE OF ASSAM
REP.BY THE PP, ASSAM

Advocate for the Petitioner : MR S C DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

05.02.2024

Heard Mr. S.C. Das, learned counsel for the applicant and Mr. R.J. Barua, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Azara PS Case No. 139/2023**, under Sections 379/407 of the IPC, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, **Sri Pranjit Kalita** for grant of pre-arrest bail.

3. The said case was registered on the basis of an FIR lodged by one

Kashmir Singh, on 20.07.2023. The essence of allegations made in the FIR is that on 23.06.2023, 700 cartons of Mastered Oil, worth of Rs. 17,00,000/-, were sent by Hari Vegetable Products Private Limited [Bharatpur] vide invoice number 23-24/OL193 to Golden Globe Enterprises [Imphal, Manipur], by a Truck, bearing registration No. AS-01-PC-7258, driven by Pranjit Kalita, which was registered in the name of one Rajesh Kalita, but, the consignment has not reached Imphal and they could not able trace the driver and contact him.

4. Mr. Das, learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant, vide order dated 14.08.2023, and pursuant to the said order, the applicant had appeared before the IO and has been cooperating with the investigating agency and therefore, it is contended to make the interim order dated 14.08.2023, absolute in the same terms and conditions.

5. On the other Mr. Barua, learned Additional Public Prosecutor by producing the case diary before this court, submits that the applicant had appeared before the IO and has been cooperating with the investigating agency. However, Mr. Barua submits that the Truck and the consignment of the goods are yet to be recovered and the investigation is still going on.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

7. It appears that the Truck and the consignment of the goods are yet to be recovered. However, considering the fact that the applicant has been cooperating with the investigating agency and also considering the submissions of learned counsel for both the parties, this Court is of the view that his custodial

interrogation seems to be unwarranted here in this case. And therefore, this Court is inclined to make the interim order dated **14.08.2023, absolute** in the same terms and condition.

8. In terms of above this AB stands disposed of.

9. The case diary be returned.

Comparing Assistant

JUDGE