

GAHC010182652023



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

Case No. : AB/2927/2023

JAYFUL NESSA
W/O ABDUL BATEN AHMED,
VILL.- BHATNAPAITY, P.O.- KADAMTOLA, P.S.- ALOPATI CHAR, DIST.-
BARPETA, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR T T MONI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 1.3.2024

Heard Mr. A.M. Khan, learned counsel for the applicant and Mr. K. Baishya, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **BI(EO) PS Case No. 18/2022**, under Sections 120(B)/420/406 of the IPC read with Section 7 of the E.C. Act, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicants namely, **Jayful Nessa** for grant of pre-arrest bail.

3. The petitioner is the owner of a fair price shop and upon some enquiries made, it is alleged that the petitioner declined to provide the food grains as per norms to about 15 persons and accordingly, total of 263.85 quintals stated to have been misappropriated by the petitioner as an agent of the concerned department. Accordingly, the FIR has been lodged. Petitioner apprehends that in view of the allegations made in the FIR which are based on incorrect facts, petitioner may be arrested and therefore has filed the present anticipatory bail petition apprehending arrest.

4. Mr. Khan, learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant, vide order dated 24.08.2023, and pursuant to the said order, the applicant had appeared before the IO and has cooperating with the investigating agency and therefore, it is contended to make the interim order dated 24.08.2023, absolute in the same terms and conditions.

5. On the other Mr. Baishya, learned Additional Public Prosecutor by producing the case diary before this court, submits that the applicant had appeared before the IO and that the material part of investigation is almost over.

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. In view of the submissions of learned counsel for both the parties and also considering the fact that the applicant has been cooperating with the investigating agency and that of the progress of investigation, 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 **24.08.2023, absolute** in the same terms and condition.

- 8.** In terms of above this AB stands disposed of.
- 9.** The case diary be returned.

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JUDGE

Comparing Assistant