

GAHC010183732024



2024:GAU-AS:11173

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

Case No. : AB/2368/2024

DIPAK PATOWARY
S/O LATE BISOY CHANDRA DAS
R/O REHABARI, SUHAGPUR, P.O. REHABARI, P.S. PALTAN BAZAR,
GUWAHATI-781008,
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MR. D P BORAH, MR U GHOSH

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 18-11-2024

Heard Mr. M. Nath, learned counsel for the petitioner, Dipak Patowary, who has filed this application under Section 482 of the BNSS, 2023, with prayer for pre-arrest bail, as he is apprehending arrest in connection with Dhubri PS Case No. 268/2024, registered under Sections 420/408 of the Indian Penal Code,

1860.

2. Also heard Mr. B. Sarma, learned Additional Public Prosecutor for the State of Assam.

3. The FIR unfolds that the driver, Jamal Badsha @ Badsha took a vehicle on rent for Rs. 12,000/- and thereafter, after removing the GPS and Fast Tag Card from the vehicle, i.e., a truck bearing Registration No. AS-17C6217, the mobile phone of Jamal Badsha was found to be switched off.

4. After the lodgment of the FIR, investigation commenced and finally, accused Jamal Badsha who had taken away the truck was arrested and forwarded to custody and the truck was also recovered. After the recovery of the truck, it was noticed that the number of truck was manipulated and changed in the petitioner's office. The petitioner then issued a notice to the Junior Assistant, Babu Lal Narzary, who has given a show-cause reply relating to his involvement in the re-registration and re-assignment of the number of the truck.

5. Annexure-7 is the show-cause reply of the Junior Assistant, Babul Lal Narzary, who has admitted that he did not properly verify the documents and this resulted in the re-registration and re-assignment of the number of the truck.

6. Learned Additional Public Prosecutor has submitted that the petitioner has appeared before the Investigating Officer and has cooperated with the investigation.

7. I have scrutinized the Case Diary. Indeed the petitioner has appeared before the Investigating Officer. He has cooperated with the investigation. He

has not violated any bail conditions. Therefore, the interim order dated 06.09.2024 is hereby made absolute under the same terms and conditions.

8. In terms of above observation, this Anticipatory Bail application stands disposed of.

9. Send back the Case Diary.

JUDGE

Comparing Assistant