

GAHC010195962023



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

Case No. : AB/3023/2023

BIKASH GOHAIN
S/O JITEN GOHAIN
VILL- HUI GOAN
P.O. AND P.S. DHAKUAKHANA
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR A KHANIKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

19.02.2024

Heard Mr. A. Khanikar, 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 Dhakuakhana P.S. Case No.99/2023, under Section 420/407 IPC, read with Section 7 of the Essential Commodities Act, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Bikash Gohain, 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 Kabindra Medak, Inspector, Food Civil Supplies & Consumer Affairs, Dhakuakhana, on 18.08.2023. The essence of allegation made in the aforesaid FIR is that the applicant being the Secretary of Dhakuakhana GPSS Ltd. along with Nityananda Gogoi, had misappropriated 985 quintals of both NFSA and MDM rice, which was meant for the beneficiaries and children under the said GPSS.

4. Mr. Khanikar, learned counsel for the applicant submits that the applicant was granted the privilege of interim pre-arrest bail by this Court vide order dated 01.09.2023, and pursuant to the said order, he had appeared before the I.O. and he has been cooperating with the investigating agency and as per his information, the investigation has already been completed and charge-sheet has been submitted by the I.O. and therefore, a contention is being made to make the interim order dated 01.09.2023, absolute, in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, submits that though he has not received the case diary, yet as per his instruction the I.O. has completed investigation and submitted charge-sheet, being Charge-Sheet No.103/2023, dated 30.11.2023, under Section 420/407 IPC, read with Section 7 of the E.C. Act, against the present applicant.

6. In view of the submission of learned Advocates of both sides, this Court is inclined to dispose of this anticipatory bail application by directing the applicant to appear before the learned Court below on or before 06.03.2024, and to apply for regular bail and in the event of filing such an application, the learned Court below shall consider the same in accordance with law. Till then, interim order dated 01.09.2023, stands extended.

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

Sd/- Robin Phuikan
JUDGE

Comparing Assistant