

GAHC010196812024



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

Case No. : Bail Appln./2857/2024

DIPAK PATOWARY
S/O LATE BISOY CH. DAS
R/O REHABARI SUHAGPUR
P.S.PALTANBAZAR
GUWAHATI- 781008
DIST. KAMRUP (METRO), ASSAM

VERSUS

THE STATE OF ASSAM
REP BY PP, ASSAM

Advocate for the Petitioner : MR. B K MAHAJAN, MR. D BORA, MR. N MAHAJAN, MR. P K DAS, MR. A CHAUDHURY

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 19-09-2024

Heard Mr. B.K. Mahajan, learned counsel appearing for the petitioner. Also heard Mr. D. Das, learned Additional Public Prosecutor for the State of Assam.

2. This is a bail application under Section 483 of the BNSS, 2023 whereby the petitioner Dipak Patowary has prayed for releasing him on bail after his arrest in connection with Bongaigaon P.S. Case No.296/2024, registered under Sections 61(2)(a)/336(3)/316(2)/340(2)/316(4)/342(1) of the Bharatiya Nyaya Sanhita (BNS), 2023.

3. The petitioner, Dipak Patowary is the District Transport Officer, Bongaigaon. On 16.08.2024, he lodged an FIR against Babulal Narzary, a Junior Assistant in his office. It is alleged that Babulal Narzary had done all official works regarding transfer of a vehicle from Lakshadweep. According to Dipak Patowary, his assistant Babulal Narzary did not verify the documents relating to the vehicle and processed the file and thereafter, final approval was given by Dipak Patowary. Thereafter on 09.09.2024, Dipak Patowary was arrested by police on the ground that since Babulal Narzary was absconding, the present petitioner might also abscond.

4. I have considered the submissions made by the learned counsel of both sides.

5. Mr. Das, learned Additional Public Prosecutor has objected to the bail prayer and also prayed for calling of the case diary.

6. After considering the submissions of both sides, this Court is of the opinion that for consideration of the bail prayer of the petitioner, perusal of the case diary is not required.

7. In this case, the arrest memo does not have anything to show the reasons for which Dipak Patowary was arrested.

8. Mr. Mahajan has relied upon a Judgment of the Hon'ble Supreme Court of India that was delivered in **Prabir Purkayastha vs. State (NCT of Delhi), 2024 SCC OnLine SC 934.**

9. I have gone through the Judgment passed by the Hon'ble Supreme Court of India.

10. Now, this Court is of the opinion that the petitioner has been arrested without assigning any reasons. Therefore, the petitioner Dipak Patowary does not deserve to be detained in custody for a further period of time. Accordingly, his bail application is allowed.

11. It is hereby directed that the petitioner Dipak Patowary who was arrested in connection with Bongaigaon P.S. Case No.296/2024, registered under Sections 61(2)(a)/336(3)/316(2)/340(2)/316(4)/342(1), BNS, 2023, is allowed to go on bail of ₹25,000/- with surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Bongaigaon.

The bail application is disposed of accordingly.

JUDGE

Comparing Assistant