

GAHC010197882023



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

Case No. : AB/3058/2023

THANGROHLUN HMAR
S/O LATE LALBIEKLIEN
R/O VILL- NEW SIELMAT
P.S. CHURACHANDPUR
DIST. CHURACHANDPUR
STATE- MANIPUR

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B CHOWDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

07.06.2024

Heard Mr. B. Chowdhury, 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 Mikirbheta P.S. Case No.90/2023 under Section 120B/406/420/468 IPC, read with Section 66(C)/66(D) of the I.T. Act, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Thangrohlun Hmar, for grant of pre-arrest bail.

3. It is to be noted here that the above-noted case has been registered on the basis of an FIR lodged by A.S.I. Khorsing Terang of Mikirbheta P.S., on 07.04.2023. The essence of allegation made in the aforesaid FIR is that acting on a tip off, the informant and other police staff intercepted one vehicle, bearing Registration No.AS-01EY-7385, which was coming from Nagaon towards Moirabari and found four suspected persons, namely, Masud Ahmed, Mubarak Hussain, Taskir Ahmed and Saddam Hussain and recovered 384 nos. of ATM cards, 5 nos. of mobile handset, 2 nos. of calculator from the possession of the aforesaid four persons and seized the same by preparing seizure list in presence of witnesses and during the course of investigation, they have disclosed that they have collected the ATM cards from different persons and withdraw money through those ATM cards and they have cheated many people.

4. Mr. Chowdhury, learned counsel for the applicant submits that the applicant was granted the privilege of interim pre-arrest bail, vide order dated 08.09.2023 and pursuant to the said order, the applicant had appeared before the I.O. and cooperating with the investigating agency and therefore, Mr. Chowdhury contended that the interim order dated 08.09.2023, may be made absolute, in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, submits that he has received the case diary and also he has received instruction after granting of the privilege of interim pre-arrest bail, the applicant had appeared before the I.O. and his statement is also recorded and that the investigation is going on and some fake ATM cards are yet to be recovered and some of the co-accused are yet to be arrested.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Sarma, learned Additional P.P.

7. It appears that interim pre-arrest bail was granted to the applicant vide order dated 08.09.2023 and further, it appears from the case diary that the applicant had appeared before the I.O. and cooperating with the investigating agency. The investigation of the case also seems to be progressed significantly. Under the above-mentioned facts and circumstances, custodial interrogation of the applicant seems to be not warranted here in this case and therefore, considering the above-mentioned facts and circumstances and also considering the nature and gravity of the offence, this Court is inclined to make the interim order dated 08.09.2023, absolute, in the same terms and conditions. Case diary be returned.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant