

GAHC010201732024



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

Case No. : AB/2594/2024

SRI RAMESWAR CHOUDHURY
S/O LATE BANAI CHOUDHURY
R/O LOKHRA, NH-37,NR SUBHAM GREEN COMPLEX, P.O. SAWKUCHI, P.S.
GARCHUK, GUWAHATI-781040, KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : MS. M BAISHYA, MS. K HAZARIKA

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 04.10.2024

- 1)** Heard Ms. B. Sharma, learned counsel for the petitioner. Also heard Mr. K. K. Das, learned Additional Public Prosecutor for the State of Assam.
- 2)** This application under Section 482 of the BNSS, 2023 has been filed by the petitioner Sri. Rameswar Choudhury, who has been apprehended his arrest in connection with Fatasil Ambari P.S. Case No.226/2024 under Sections 61(2) (a)/306/317(4)/317(5)/3(6) of the BNS, 2023.
- 3)** The gist of accusation in this case is that on 23.08.2024, one Jalilur

Rahman, Assistant Sub-Inspector of Police of Fatasil Ambari Police Station had lodged an FIR before the Officer-In-Charge of Fatasil Ambari Police Station, inter alia, alleging that some vehicles which were seized in connection with different cases by Fatasil Ambari Police Station and were kept in the field of Tribal Development Authority, located about hundred metres away from the Police Station were found missing. It is also stated in the FIR that one Paresh Doley, who is the Chowkidar of the said field, came to the said field, along with two traffic personnel and sold the vehicles to some scrap dealers.

4) The learned counsel for the petitioner has submitted that the petitioner is no way involved in the offence alleged in the FIR and however Police is searching for him as he happens to be tenant of Rakesh Gowala, who is one of the main accused in this case.

5) Learned counsel for the petitioner has also submitted that in the meanwhile, Rakesh Gowala has already been granted bail by this Court. She also submits that the petitioner is ready to co-operate with the Investigating Officer in the investigation.

6) On the other hand, learned Additional Public Prosecutor has opposed to the grant of Anticipatory Bail to the present petitioner and he has produced the Case Diary of Fatasil Ambari P.S. Case No.226/2024 and has submitted that there are materials available in the Case Diary to suggest that one Rameswar Singh had purchased the scrap vehicles after it was cut and sold by Rakesh Gowala and said Rameswar Singh thereafter sold it to one factory situated at Meghalaya.

7) It appears that the name of the present petitioner is Rameswar Choudhury and not Rameswar Singh and at this stage of investigation, there is nothing against the present petitioner in the Case Diary.

8) It also appears that in the meanwhile, two co-accused have already been granted bail by this Court.

9) In view of the above, this Anticipatory Bail Application stands disposed of with a direction to the petitioner Rameswar Choudhury to appear before the Investigating Officer of Fatasil Ambari P.S. Case No.226/2024 within a period of 10 days from the date of the order of this Court and co-operate in the investigation, if he does so within the stipulated period of time, in the event of his arrest in connection with Fatasil Ambari Case No.226/2024, the above named petitioner shall be allowed to go on interim bail of Rs.30,000/-(Rupees Thirty thousand only) with one surety of like amount to the satisfaction of the arresting Authority, subject to the conditions that:-

- (i) the petitioner shall co-operate in the investigation,
- (ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from disclosing such facts before the Investigating Officer or to any Court.

10) This Anticipatory Bail stands disposed of.

11) Send back the Case Diary.

JUDGE

Comparing Assistant