

GAHC010202392023



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

Case No. : AB/3084/2023

BIPUL ALI
S/O MD. SAMSER ALIR/O BHAGPUR
P.S. GORESWAR
DIST. TAMULPUR
PIN-781366

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR P BORAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

09.01.2024

Heard Mr. H. Baruah, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. This application under Section 438 Cr.P.C. is preferred by the applicant, namely,

Bipul Ali, who has been apprehending arrest in connection with Sonapur P.S. Case No.185/2023, under Sections 419/468/471 IPC, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of one FIR lodged by Forester-I Jayanta Kalita on 16.08.2023. The essence of allegation made in the FIR is that on 08.08.2023 at about 11:30 p.m. one Truck, bearing Registration No.AS-25-DC-8442, carried forest materials using same challan for multiple times.

4. Mr. Baruah, learned counsel for the applicant submits that this Court, vide order dated 12.09.2023 was pleased to extend the privilege of interim pre-arrest bail to the applicant and pursuant to the said order, he had appeared before the I.O. and he has been cooperating with the investigating agency and that the applicant is the registered owner of the Truck, bearing Registration No.AS-25DC-8442 and the same has been released in his custody and therefore, it is contended to make the interim order dated 12.09.2023 absolute, in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam has produced the case diary before this Court and submits that the transit pass produced by the applicant is a fake document and that the informant of the case has not been arrayed as a respondent in this petition and that the Investigating Officer has collected materials against the applicant and therefore, it is contended to dismiss the petition.

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 vide order dated 12.09.2023 the applicant has been granted the privilege of interim pre-arrest bail and it is submitted that he had appeared before the I.O. and also cooperating with the investigating agency. Further, considering the materials collected so far in the case diary and also considering the submission of learned Advocates of both the parties, custodial interrogation of the applicant seems to be not

warranted here in this case and therefore, this Court is inclined to make the interim order dated 12.09.2023 absolute, in the same terms and conditions.

8. In view of above, the anticipatory bail application stands disposed of. Case diary be returned.

Sd/- Robin Phukan
JUDGE

Comparing Assistant