

GAHC010207942024



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

Case No. : AB/2686/2024

SRI KAILASH DEKA
S/O SRI DANDESWAR DEKA, R/O MADANPUR, P.O. DEUDOAR, PS.
BAIHATA CHARIALI, DISTRICT KAMRUP(R), ASSAM, PIN 781381.

VERSUS

THE STATE OF ASSAM
TO BE REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A A R KARIM, MD S A MONDAL, MS. R BEGOM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 08.10.2024

Heard Mr. A.A.R. Karim, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned APP appearing for the State.

2. By this application under section 482 BNSS, 2023, the petitioner is seeking pre-arrest bail in connection with Dibrugarh P.S. Case No. 351/2024, under Sections 61(2)/318(4)/316(2) of BNS, 2023.

3. The learned APP has produced the case diary and has opposed the prayer for bail on the ground that the petitioner was served with a notice dated 03.09.2024 and 05.10.2024 to appear and cooperate with the investigation, but the petitioner has not appeared pursuant to such notice. It is also submitted that the consignment, which was being delivered through a truck is still missing.

4. On a perusal of the case diary read with the statements made in this application, it appears that the petitioner is working in the same establishment from where the goods are missing while being transported through a particular truck.

5. Under such circumstances, the Court is of the considered opinion that custodial interrogation of the petitioner may not be necessary. Accordingly, the Court is inclined to grant pre-arrest bail by providing that in the event of his arrest, the petitioner, namely, Kailash Deka in connection with the aforesaid case, he shall be released on pre-arrest bail on furnishing bail bond of Rs.20,000/- with one solvent surety of like amount to the satisfaction of the arresting officer.

6. The pre-arrest bail is granted on the following conditions:

I. That the petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.

II. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness.

III. That the petitioner shall not obstruct the smooth progress of the investigation/trial.

IV. That the petitioner shall not misuse his liberty in any manner.

V. That the petitioner shall not jump over the bail.

VI. That the petitioner shall appear before the I/O within 7 (seven) days from the date of this order.

7. This application stands disposed of.

8. Case diary is returned.

JUDGE

Comparing Assistant