

GAHC010230982023



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

Case No. : Bail Appln./3657/2023

PANKAJ PATAR AND 3 ORS
S/O LATE SARAT PATAR
R/O HOUSE NO. 266
MILAN NAGAR, BORBARI
P.S. DISPUR,
DIST. KAMRUP (M), ASSAM

2: KISHORE KR. BAISHYA
S/O SRI HARESWAR BAISHYA
R/O HOUSE NO. 323

BISHNU NAGAR PATH

BORBARI
P.S. DISPUR
DIST. KAMRUP (M)
ASSAM

3: SRI DULAL DUTTA
S/O SRI BABA DUTTA
R/O CHANGSARI HIGH SCHOOL

P.S. CHANGSARI
DIST. KAMRUP
ASSAM

4: SHIBA PRASAD DAS
S/O SRI JAGADISH DAS
R/O HOUSE NO. 366

HARIHAR PATH

UPPER HENGRABARI
P.S. DISPUR

DIST. KAMRUP (M)
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. T DEURI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 12.02.2024

Heard Ms. R.S. Deuri, learned counsel for the accused. Also heard Mr. B. Sarma, learned Addl. Public Prosecutor for the State respondents.

2. This application, under Section 439 Cr.P.C. is preferred by the accused, namely, Pankaj Patar, Kishore Kr. Baishya, Dulal Dutta and Shiba Prasad Das, who were arrested and granted interim bail by this Court in connection with Dispur P.S. Case No. 1911/2023, under Sections 419/387 of the IPC, on 19.10.2023.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Minajul Rahman on 29.09.2023. The essence of allegation made in the FIR dated 29.09.2023 is that on that day, at about 1 p.m., about six culprits, namely, Pankaj Patar, Kishore Kr. Baishya, Dulal Dutta, Shiba Prasad Das and two other persons came to the bakery of the informant and introduced themselves as Food Inspectors and demanded Rs. 3,00,000/-

from him, and also threatened to close his bakery and rebuked his staffs with abusive words.

4. Ms. Deuri, learned counsel for the accused submits that this Court, vide order dated 19.10.2023, was pleased to grant interim bail to the accused persons imposing certain conditions and pursuant to the said order, they have fulfilled all the conditions, and therefore, it is contended that the interim order dated 19.10.2023 may be made absolute in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, learned Addl. Public Prosecutor submits that as per his information, the I.O. has completed investigation and submitted charge-sheet, being charge-sheet No. 564/2023, dated 03.10.2023, under Sections 419/387/34 of the IPC.

6. In view of submission of the learned Advocates of both sides and also in view of the fact that investigation of the case has already been completed, further custodial detention of the accused persons may not be required in the interest of investigation, and therefore, this Court is inclined to make the interim order dated 19.10.2023, absolute in the same terms and conditions.

7. In terms of above, this application stands disposed of.

JUDGE

Comparing Assistant