

GAHC010231442023



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

Case No. : AB/3478/2023

BHABESH DOLEY AND ANR
S/O BIRINCHI DOLEY
R/O MATMARA GAON
P.S. DHAKUAKHANA
PIN-787055
DIST LAKHIMPUR, ASSAM

2: RANJIT PEGU
S/O GHANAKANTA PEGU
R/O VILL- OPAR KHAMAN MATMARA GAON
P.O.KHERKATA- 787005
P.S. DHAKUAKHANA, DIST. LAKHIMPUR
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. S G BARUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

25.04.2024

Heard Ms. S.G. Baruah, learned counsel for the applicants and also heard Ms. A.

Begum, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Dhakuakhana P.S. Case No.89/2023 under Section 407/34 IPC, this application under Section 438 Cr.P.C. is preferred by two applicants, namely, Bhabesh Doley and Ranjit Pegu, for grant of pre-arrest bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Kabindra Medak, Inspector, Food, Civil Supplies and Consumer Affairs, Dhakuakhana, on 28.06.2023. The essence of allegation made in the aforesaid FIR is that the President and the Secretary of Pub-Dhakuakhana GPSS Ltd., namely, Bhabesh Doley and Ranjit Pegu have withdrawn 1002.50 quintal of NFSA rice from the FCI godown, for the month of June, 2023 and misappropriated the same without distributing amongst the beneficiaries of NFSA under the aforesaid GPSS.

4. Ms. Baruah, learned counsel for the applicants submits that this Court vide order dated 26.02.2024 was pleased to extend the privilege of interim pre-arrest bail to the applicants and pursuant to the said order, the applicants had appeared before the I.O. and their statements also recorded and that they have been cooperating with the investigating agency and on that count, Ms. Baruah contended that the interim order dated 26.02.2024, may be made absolute, in the same terms and conditions.

5. On the other hand, Ms. A. Begum, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and also confirmed appearance of the applicants before the I.O. and further submits that their statements have also been recorded and they have been cooperating with the investigating agency. Ms. Begum further submits that the investigation is still going on.

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 Ms. Begum, learned Additional P.P.

7. The case diary indicates that the applicants have been cooperating with the investigating agency and they have appeared before the I.O. and their statements have

also been recorded and considering above and also considering the progress of investigation, custodial interrogation of the applicants seems to be not warranted here in this case and therefore, this Court is inclined to make the interim order dated 26.02.2024, 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