

GAHC010239762023



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

Case No. : AB/3631/2023

DHIREN THAKURIA @ DHIREN THAKUR
S/O KAPIL THAKURIA VILL- PUB SUALKUCHI, MATI PARBAT P.S-
SUALKUCHI DIST- KAMRUP (R) ASSAM PIN - 781103

VERSUS

THE STATE OF ASSAM
(REPRESENTED BY THE PUBLIC PROSECUTOR ,ASSAM)

Advocate for the Petitioner : MR. W RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

22.01.2024

Mr. B. Sarma, learned Additional Public Prosecutor, Assam, submits that though he was asked to produce the case diary before this Court, yet, he has not received the same, instead, he has received instruction to the effect that the I.O. has already completed investigation and laid charge-sheet against the present applicant before the learned Court

below, being Charge-Sheet No.87/2023, dated 28.09.2023.

2. Whereas, Mr. W. Rahman, learned counsel for the applicant submits that vide order dated 19.10.2023 the applicant was granted the privilege of interim pre-arrest bail and accordingly, he had appeared before the I.O. and he has been cooperating with the investigating agency and therefore, it is contended to make the interim order dated 19.10.2023 absolute, in the same terms and conditions.

3. It is to be noted here that this application under Section 438 Cr.P.C. is preferred by applicant, namely, Dhiren Thakuria @ Dhiren Thakur, who has been apprehending arrest in connection with Sualkuchi P.S. Case No.116/2023 under Section 379 IPC, for grant of pre-arrest bail.

4. It is also to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by one Paresh Bania on 03.08.2023. The essence of allegation made in the aforesaid FIR relates to stealing of one filled gas cylinder from the gas loaded rickshaw of the informant.

5. Since after completion of investigation charge-sheet has been laid before the learned Court below, this Court is inclined to dispose of this anticipatory bail application by directing the applicant to appear before the learned Court below on or before 07.02.2024, and to apply for regular bail and in the event of filing such an application, the learned Court below shall consider the same in accordance with law. Till then, interim order dated 19.10.2023 stands extended.

6. In view of above, the anticipatory bail application stands disposed of.

Sd/- Robin Phukan
JUDGE

Comparing Assistant