

GAHC010248682023



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

Case No. : AB/3722/2023

KABINDRA RABHA
S/O LATE SUKURA RABHA
R/O DUWA MAKHA, UDALGURI
P.S. UDALGURI
DIST. UDALGURI, ASSAM
PIN-784510

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. K N CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

12.02.2024

Heard Mr. K.N. Choudhury, learned Senior counsel assisted by Ms. R.R. Kakati, learned counsel for the applicant. Also heard Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Anti Corruption Bureau P.S. Case No.87/2023, under Section 7(a) of the Prevention of Corruption Act, 1988, this application under Section 438 Cr.P.C. is preferred by the applicant, namely, Kabindra Rabha, 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 Sabom Narzary on 20.10.2023. The essence of allegation made in the aforesaid FIR is that in connection with settling one case, lodged by one Krishna Chouhan against the informant and two others, the present applicant who was working as O/C of Rowta P.S., has demanded a sum of ₹ 50,000/- from the informant.

4. Mr. Choudhury, learned Senior counsel for the applicant submits that the applicant was granted the privilege of interim pre-arrest bail by this Court vide order dated 06.11.2023 and pursuant to the said order, he had appeared before the I.O. and cooperating with the investigating agency. Mr. Choudhury further submits that in the interest of investigation further custodial detention of the applicant may not be required and therefore, Mr. Choudhury contended to make the interim order dated 06.11.2023, absolute, in the same terms and conditions.

5. On the other hand, Mr. P.S. Lahkar, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and vehemently opposed the petition on the ground that the I.O. has collected sufficient incriminating materials against the applicant. Mr. Lahkar further submits that the voice sample of the applicant has not yet been collected and forwarded to the FSL report for confirmation and therefore, Lahkar submits that he may be granted some more time to produce the up dated case diary before this Court.

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. Lahkar, learned Additional P.P.

7. It appears that vide order dated 06.11.2023, interim pre-arrest bail was extended

to the applicant and pursuant to the said order, he had appeared before the I.O. and cooperating with the investigating agency. Further, it appears from the case diary that the I.O. has achieved substantial progress in the investigation of the case and in the interest of investigation, further 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 06.11.2023, 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