

GAHC010250172023



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

Case No. : AB/3745/2023

SHANKU DUTTA AND ANR
SON OF SAMAR CHANDRA DUTTA, RESIDENT OF HOUSE NO. 2,
JYOTIKUCHI PATH, SANDIP KALITA PATH, P.S. FATASIL AMBARI,
SAWKUCHI, GUWAHATI - 781040, DISTRICT- KAMRUP (METRO), ASSAM

2: THADI KAMESWAR RAO
SON OF LATE T. PAIDRAJ RAO
RESIDENT OF RLY. QTR. NO. DS/66/G
REST CAMP
NEAR RAM MANDIR
PANDU
P.S- JALUKBARI
GUWAHATI- 781012
DISTRICT- KAMRUP (METRO)
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM.

Advocate for the Petitioner : MR. D BORA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 20-03-2024

- 1.** Heard Mr. D. Bora, learned counsel for the petitioners.
- 2.** The petitioners, namely, [1] Shanku Dutta and [2] Thadi Kameswar Rao have filed this application u/s 438 Cr.PC with prayer of pre-arrest bail as they are apprehending arrest in connection with Gorchuk P.S. Case No. 295/2023 registered u/s 120(B)/379/468/409 of IPC r/w Section 7 of the Essential Commodities Act, 1955.
- 3.** Heard Mr. R.R. Kaushik, learned Addl. PP, Assam.
- 4.** The allegation against the petitioners is relating to pilferage of petrol from the IOC Terminal at Betkuchi under Gorchuk P.S. The petitioners were granted interim protection. The petitioners have appeared before the IO and they have co-operated with the investigation and their statements have been recorded.
- 5.** I have perused the Case Diary. It appears that further custodial interrogation may not be required as the petitioners have already appeared before the IO and their statements have been recorded. The petitioners are local residents and they have pledged to co-operate with the remaining part of investigation.
- 6.** Considering all aspects the interim order dated 07.11.2023 is hereby made absolute and the petitioners are granted anticipatory bail in connection with Gorchuk P.S. Case No. 295/2023. In the event of their arrest they shall be enlarged on bail of Rs. 30,000/- each with a suitable surety of like amount to the satisfaction of the arresting authority, under the conditions that:-
 - i. The petitioners shall refrain from such activities with which they are alleged; and

ii. the petitioners shall appear before the I.O. after every 15 days till completion of investigation, failing which bail order shall stand cancelled.

Send back the Case Diary.

JUDGE

Comparing Assistant