

GAHC010250912023



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

Case No. : AB/3774/2023

AJIT MANDAL
S/O- LT. ANU MANDAL, VILL- KHALISAMARI, P.S. GOLAKGANJ, DIST.-
DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A T SARKAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

22.04.2024

Heard Mr. S. Hussain, learned counsel appearing on behalf of Mr. A.T. Sarkar, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Golakganj P.S. Case No.1497/2019, under Section 379/34 IPC, this application under Section 438 Cr.P.C. is preferred by the applicant, namely, Ajit Mandal, 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 Saifur Rahman and Saha Alom, on 25.12.2019. The essence of allegation made in the aforesaid FIR is that on 23.12.2019, in the evening at about 6:00 p.m., while they were coming back from Tufanganj market, after purchasing 6 nos. of cows, then on their way, one Ajit Mandal, Jakir Hussain, Nur Jamal Sheikh, Mijanur Sheikh, Nur Hussain Sheikh and Rafiqul Sheikh have snatched away 6 nos. of cows from them at Beltoli, Chotoguma.

4. Mr. Hussain, learned counsel for the applicant submits that this Court, vide order dated 10.11.2023, was pleased to grant the privilege of interim pre-arrest bail to the applicant and pursuant to the said order, the applicant had appeared before the I.O. and cooperating with the investigating agency and therefore, it is contended to make the interim order dated 10.11.2023, absolute, in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, submits that he has not received the case diary, but he has received the instruction from the I.O. concerned that investigation of the case has already culminated in submission of charge-sheet, being Charge-Sheet No.351/2023, dated 28.09.2023. However, Mr. Sarma could not apprise this Court, under which provision of law, the charge-sheet was submitted.

6. Since charge-sheet has been submitted on completion of investigation, this Court is inclined to dispose of this pre-arrest bail application by directing the applicant to appear before the learned Court below on or before **03.05.2024**, 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 10.11.2023, stands extended.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant