

GAHC010251642023



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

Case No. : AB/3759/2023

BIPLAB KUMAR SARKAR
S/O BRAJEN KUMAR SARKAR,
R/O VILL- HATAPARA, P.S. SIMLAGURI, DIST. DHUBRI, ASSAM
PIN-781315, OCCUPATION- BUSINESS.

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 21.02.2024

Heard Ms. J. Ghosh, learned counsel for the applicant. Also heard Ms. A. Begum, learned Addl. Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with Gobardhana P.S. Case No. 162/2023, under Sections 341/294/353/427 of the IPC, this application under

Section 438 Cr.P.C. has been preferred by the applicant, namely, Biplab Kumar Sarkar, 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 UBC Nayan Jyoti Gogoi on 22.10.2023. The essence of allegation made in the FIR dated 22.10.2023, is that on that day, while the informant along with Constable Deepjyoti Dutta, were attending duty at Hatapara Durga Puja Mandap, one Biplab Sarkar, who was heavily drunk, started misbehaving with them, at about 8:30 p.m., and he also engaged in an argument with the Secretary of the Puja Mandap, namely, Gautam Sarkar, and while they were engaging in argument, then the informant tried to pacify him and then, Biplab Sarkar obstructed him in discharging his duties and pushed him away and started beating him and snatched away his whistle and his hand-watch etc.

4. Ms. Ghosh, learned counsel for the applicant submits that the applicant had been granted the privilege of interim pre-arrest bail, vide order dated 14.11.2023 and pursuant to the said order, he has also appeared before the I.O. on 21.12.2023 and he has been cooperating with the investigating agency, and a contention is being made that the interim order dated 14.11.2023, may be made absolute in the same terms and conditions.

5. On the other hand, Ms. Begum, the learned Addl. Public Prosecutor submits that she has not received the case diary and as per her instruction, the I.O. has laid charge-sheet, being charge-sheet No. 147/2023 dated 29.11.2023.

6. In view of the above, this Court is inclined to dispose of this application by directing the applicant to appear before the learned Court below on or before 12.03.2024, 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.

7. Till then, interim order dated 14.11.2023 shall stand extended.

JUDGE

Comparing Assistant