

GAHC010253322023



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

Case No. : AB/3808/2023

KANAK GOGOI
S/OLATE KHAGEN GOGOI
R/O LEEHAM BATAMARI
P.O. BATAMARI
P.S. GHILAMARA
DIST. LAKHIMPUR

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR MINTU SAIKIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

02.02.2024

Heard Mr. M. Saikia, learned counsel for the applicant and also heard Ms. A. Begum, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Dhakuakhana P.S. Case No.132/2023, under Section 420/406 IPC, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Kanak Gogoi, 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 Bidyut Gogoi, Block Elementary Education Officer (BEEO), Dhakuakhana, on 17.10.2023. The essence of allegation made in the aforesaid FIR is that the applicant, namely, Kanak Gogoi, the Headmaster of 542 No. Lahibari L.P. School under Dhakuakhana Education Block has misappropriated the uniform which were meant for distribution among the students and that there were only 14 nos. of students whereas 19 nos. of school uniforms were sanctioned and that 5 ceiling fans were purchased for the school and only 3 of them were used and the other two fans were not used.

4. Mr. Saikia, learned counsel for the applicant submits that this Court vide order dated 22.12.2023 was pleased to extend 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 that the applicant is ready to cooperate with the investigating agency and therefore, it is contended to make the interim order dated 22.12.2023, absolute, in the same terms and conditions.

5. On the other hand, Ms. A. Begum, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the case diary has not been updated since 14.12.2023 and as such, the statement of the applicant is not available in the case diary. However, Ms. Begum submits that the I.O. has examined some witnesses and also seized some documents in this case.

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 Ms. Begum, learned Additional P.P.

7. Having considered the materials collected so far in the case diary and also considering the stage of investigation and further considering the fact that the applicant

has been extending cooperation with the investigating agency, his custodial interrogation, in the interest of investigation, seems to be not warranted here in this case and therefore, this Court is inclined to make the interim order dated 22.12.2023, 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