

GAHC010253892023



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

Case No. : AB/3823/2023

ADITYA RAJ BARUAH
S/O PUTUL CH. BARUAH
R/O HOUSE O. 830, HENGERABARI, NABODOI PATH,
P.S. DISPUR, GUWAHATI-781036,
IN THE DISTRICT OF KAMRUP (M), ASSAM
MOBILE NO. 88226-74348

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. T BARUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

13.02.2024

Heard Ms. A. Das, 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 Dispur P.S. Case No.2078/2023, under Section 408 IPC, this application under Section 438 Cr.P.C. has been preferred by the applicant, namely, Aditya Raj Baruah, 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 Hemanta Roy on 29.10.2023. The essence of allegation made in the aforesaid FIR is that the applicant was working in the car showroom of the informant located at Borbari in the name and style of H.D. Motor as Accountant and on 29.10.2023, at about 11:45 a.m., the applicant by using the mobile of the informant, transferred a sum of ₹ 50,000/- from his account and on being asked the applicant had returned a sum of ₹ 40,000/- and he used to indulge in such practice for last one year.

4. Ms. Das, learned counsel for the applicant submits that this Court vide order dated 15.11.2023 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 therefore, a contention is being made that the interim order dated 15.11.2023, may be made absolute, in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, has produced the case diary before this Court and submits that the applicant had appeared before the I.O. and cooperating with the investigating agency. Mr. Sarma further submits that the investigation is going on.

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. Sarma, learned Additional P.P.

7. It appears that vide order dated 15.11.2023 this Court was pleased to extend interim protection to the applicant and pursuant to the said order, the applicant had appeared before the I.O. and cooperating with the investigating agency. It also appears from the case diary that the I.O. has achieved substantial progress in the investigation of

the case and in view of above, 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 15.11.2023, 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