

GAHC010261452023



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

Case No. : AB/3934/2023

RAJU KATHAR
S/O JATIRAM KATHAR
R/O VILL- NOONMATI
P.O. DHUPGURI
P.S. KHETRI
DIST. KAMRUP (M), ASSAM
PIN-782403

VERSUS

THE STATE OF ASSAM
REP. BY TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

12.02.2024

Heard Mr. S.W. Hussain, 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 Khetri P.S. Case No.195/2023, under Section 379 IPC, this application under Section 438 Cr.P.C. is preferred by applicant, namely, Raju Kathar, 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 ASI Prasanta Goswami of Khetri P.S., on 06.11.2023. The essence of allegation made in the aforesaid FIR is that acting on a tip off, the informant has conducted search at Bamfor Hill and recovered 8 nos. of cattle inside the bamboo wall of a house and also found two motorcycles, bearing Registration Nos.AS-12X-4831 (KTM) and AS-01H-8408 (Splendor) and seized the same in presence of witnesses and during investigation it has come to light that one Raju Kathar is the lessee of the said plot of land.

4. Mr. Hussain, learned counsel for the applicant submits that the applicant was granted the privilege of interim pre-arrest bail by this Court vide order dated 22.11.2023, and pursuant to the said order, he had appeared before the I.O. and he has been cooperating with the investigating agency and therefore, a contention is being made to make the interim order dated 22.11.2023, absolute, in the same terms and conditions.

5. On the other hand, Mr. B. Sarma, learned Additional Public Prosecutor, Assam, obtaining necessary instruction from the Officer-in-Charge, concerned P.S., submits that after completion of investigation the I.O. laid charge-sheet, being Charge-Sheet No.206/2023, under Section 379 IPC against the present applicant.

6. In view of the submission of learned Advocates of both sides, this Court is inclined to dispose of this application by directing the applicant to appear before the learned Court below on or before 01.03.2024, 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. Till then, interim order dated 22.11.2023, stands extended.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant