

GAHC010265592023



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

Case No. : AB/3985/2023

KESHAAB TELI AND 3 ORS
S/O- LATE BHAGARATI TELI.
VILL AND P.O- PROMODE NAGAR TE,
P.S- NILAMBAZAR, DIST- KARIMGANJ,
PIN-788722

2: SUMAN KANTI DAS @ SUMON KANTI DAS
S/O- JYOTIRMOY DAS .
VILL AND P.O- BRAHMANSASHAN
P.S- NILAMBAZAR
DIST- KARIMGANJ
PIN-788722

3: SUBUD SHARMA @ SUBUDH SHARMA
S/O- LATE DAYAMAY SHARMA.
VILL AND P.O- BRAHMANSASHAN
P.S- NILAMBAZAR
DIST- KARIMGANJ
PIN-788722

4: KAMALA KANTA GHOSE @ KAMLU KT GHUSH
S/O- LATE KAMAKHYA GHOSE
VILL - NAYAGRAM
P.O- RAMANI KRISHNA TE
P.S- NILAMBAZAR
DIST- KARIMGANJ
PIN-78872

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM

Advocate for the Petitioner : MR. R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER**

08.05.2024

Heard Mr. R.A. Choudhury, learned counsel for the applicants and Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with the **Nilambazar P.S. Case No. 158/2023**, under Sections 120[B]/420/409/379/411 of the IPC read with Section 7 of the E.C. Act, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicants namely, **Keshab Teli; Suman Kanti Das @ Sumon Kanti Das; Subud Sharma @ Subuth Sharma;** and **Kamala Kanta Ghose @ Kamlu Kt. Ghush** for grant of pre-arrest bail.

3. The said case has been registered on the basis of one F.I.R. lodged by SI Dipjyoti Malakar, on 17.09.2023. The essence of allegation made in the FIR is that one Ramyanshu Bhattacharjee; Angchu Dutta; Nokib Ahmed Choudhury; Abdul Hannan; Ashutos Nath; Moloi Chandra; Keshab Teli; Sumon Kanti Das; Mrinal Singha; Subuth Sarma; Kamlu Kanta Ghose; Samiran Biswas, are involved in misappropriation of the PDS rice allotted to the Gandhai Brahmansahan Co-Operative Society, located at Lalpool near FCI Godown, under Nilambazar Police Station and the informant along with this team seized 140 numbers of rice bag and intercepted one Truck, bearing registration No. NL-01-K-9743, from the premises of the aforesaid co-operative society and another 22

numbers of bag were also seized which were found in a Magic goods carrier vehicle, bearing registration No. AS-10-AC-7745, which was stationed in the front of the godown.

4. Mr. Choudhury, learned counsel for the applicants submits that this Court was pleased to grant the privilege of interim pre-arrest bail to the applicants, vide order dated 11.01.2024, and pursuant to the said order, the applicants had appeared before the IO and extending cooperation with the investigating agency and therefore, it is contended to make the interim order dated 11.01.2024, absolute in the same terms and conditions.

5. On the other hand, Mr. Gogoi, learned Additional Public Prosecutor submits that he has not received the case diary, but he has received instruction that the I.O. has already completed investigation and laid Charge-Sheet against the applicants, vide Charge-Sheet No. 44/2024, under Sections 120[B]/420/409/379/411 of the IPC read with Section 7 of the E.C. Act, dated 31.03.2024.

6. In view of above, this Court is inclined to dispose of this anticipatory application by directing the applicants to appear before the learned court below on or before **24.05.2024**, and to apply for regular bail and in event of filing such an application, the learned Court below shall consider the same in accordance with law.

7. Till then, the interim order dated 11.01.2024, stands extended.

JUDGE

Comparing Assistant