

GAHC010274882023



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

Case No. : AB/4110/2023

BIMAL BASUMATARY
S/O KHALA BASUMATARY R/O VILL. BORNAGAON P.S UDALGURI DIST
UDALGURI BTAD

VERSUS

THE STATE OF ASSAM
REP BY TE PP, ASSAM

Advocate for the Petitioner : MR. S BORTHAKUR, MS. S KAKATI

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 27.11.2024

1. Heard the learned counsel Mr. S. Borthakur for the petitioner, **Bimal Basumatary**, who has filed this application under Section 438 Cr.P.C., 1973 with a prayer for pre-arrest bail as he is apprehending arrest in connection with Sonapur P.S. Case No. 111/2022 under Sections 120(B)/ 379/ 411/ 420/ 468/ 471/ 409 IPC.

2. Heard Mr. K. Baisya, learned Addl. Public Prosecutor, Assam, appearing for

the State respondent, who has raised objection against the prayer of pre-arrest bail.

3. It is submitted on behalf of the petitioner that the petitioner is on interim bail granted by a co-ordinate Bench of this Court. It is also submitted that the name of the petitioner is not mentioned in the FIR.

4. The FIR unfolds that on 20.01.2022, on the basis of a G.D. Entry No. 529, dated 20.01.2022 a vehicle bearing registration No. AS-27C-5903 (Truck) was seized suspected to be stolen. During preliminary enquiry, police visited the place of occurrence and examined the local witnesses and owner Fulbanu Begum and came to light that the said owner Fulbanu Begum purchased the vehicle from one Bhura Singh with the help of brokers, Vinda Mahato and Ananda Mahato. It was also stated that the original owner of the vehicle was Lakhimai Bania and present owner of the vehicle did not obtain NOC from the DTO's office.

5. The case diary is received and perused.

6. I have scrutinized the case diary.

7. I have considered the submission that the petitioner is willing to co-operate with the remaining part of investigation and to abide by any stringent conditions of bail imposed on him.

8. The petitioner is a local resident and not a flight risk.

9. I have considered the submissions of the learned counsel for the parties at the bar with circumspection.

10. The merits of the case are not brought to the fore as the case is still at the stage of investigation.

11. The petitioner has appeared before the I.O. and has co-operated with the investigation. The petitioner has not violated any conditions of the interim bail granted to him.

12. Considering the entire aspect of the matter and in view of my foregoing discussions, the interim order dated 06.12.2023 is hereby made absolute subject to the conditions contained in the interim order itself.

13. Bail application is disposed of.

14. Send back the case diary.

JUDGE

Comparing Assistant