

GAHC010281462023



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

Case No. : AB/4174/2023

DIPAK KUAR BORO
S/O KHOGEN BORO
R/O VILL- BAGANPARA, P.O. BAGANPARA
P.S. BARBARI
DIST. BAKSA, BTAD, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR R DHAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

08.04.2024

Heard Shri R. Dhar, learned counsel for the petitioner, namely, Shri Dipak Kumar Boro, who has filed this anticipatory bail application under Section 438 of the Cr.PC praying for pre-arrest bail in connection with Barbari PS Case No. 59/2023 registered under Section 409 of the IPC, read with Section 7 of the Essential Commodities Act.

Ms. A. Begum, learned Addl. Public Prosecutor, Assam while objecting the

application for bail has also produced the Case Diary.

Without going into the merits of the allegations deep, Shri Dhar, the learned counsel for the petitioner, by referring to the additional affidavit filed in this proceeding on 06.04.2024 has submitted that the petitioner has been asked to appear as a prosecution witness. In this connection, reference has been drawn to a communication dated 16.03.2024 issued amongst others, to the petitioner.

On a careful perusal of the said order, it however reflects that the petitioner has been asked to appear as a witness only in the Departmental Proceeding which may not lead to an inevitable conclusion that he has been made an approver in the criminal case.

In the Case Diary submitted by Ms. Begum, the learned Addl. Public Prosecutor, Assam, this Court has found that there are certain materials including allegations that the petitioner had not provided the rice.

Considering the entire facts and circumstances and also the aspect that the petitioner has been asked to appear as a witness in the Departmental Proceeding, it appears that the requirement of custodial detention of the petitioner may not be there.

It is accordingly directed that in the event of arrest of the above named petitioner in connection with the aforementioned police station case, he shall be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) only, with one surety of the like amount subject to the satisfaction of the Arresting Authority.

The petitioner is directed to appear before the IO of the case on or before 19.04.2022 for recording his statement.

The petitioner is further directed to render full cooperation with the investigation of the case and not to indulge in any activities detrimental to the same.

Bail application stands disposed of.

The Case Diary is returned back to the learned Addl. Public Prosecutor, Assam.

JUDGE

Comparing Assistant