

GAHC010283332023



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

Case No. : AB/4235/2023

RATAN KACHARI AND 2 ORS
S/O MOHAN CH. KACHARI
R/O BALI GAON
P.O. ERA DHAL
P.S. DHEMAJI
DIST. DHEMAJI, ASSAM

2: BUDHIN SONOWAL
S/O TULESWAR SONOWAL
R/O MORAN AHOM GAON
P.O. DIKHARI
P.S. MORAN
DIST. DIBRUGARH
ASSAM

3: GOPAL SONOWAL
S/O BHUBAN SONOWAL
R/O NATUN SOLOGURI GAON
P.O. SOLOGURI
PS. MORAN
DIST. DIBRUGARH
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. K GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

25.01.2024

Heard Ms. P. Borah, learned counsel for the applicants and also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Khowang P.S. Case No.54/2023, under Section 143/147/148/341/387 IPC, this application under Section 438 Cr.P.C. is preferred by three applicants, namely, Ratan Kachari, Budhin Sonowal and Gopal Sonowal, 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 Nripen Medhi, Executive Engineer, PWRD, Dibrugarh, Chabua-Lahowal, Khowang & Tingkhong Territorial Road Division, Dibrugarh, on 23.11.2023. The essence of allegation made in the aforesaid FIR is that while Upgradation and Construction of Road cum Embankment on left bank of Buridehing from Aghunibari to Khowang Ghat (Dehing Bundh, 1st Section) was going on in Tingkhong LAC, some miscreants have stopped the work at the site and they also threatened the workers of the contractor not to continue the construction work, for which the contractor has shifted his manpower and machinery from the construction site that hampers the progress of the project and thereafter, on 20.11.2023 some members of All Assam Sonowal Kachari Students' Union also visited the office of the informant and submitted a copy of memorandum asking to stop the work till the grievances mentioned in the memorandum are addressed.

4. Ms. Borah, learned counsel for the applicants submits that this Court vide order dated 18.12.2023, was pleased to grant the privilege of interim pre-arrest bail to the applicants and pursuant to the said order, they have appeared before the I.O. and they

have been cooperating with the investigating agency and therefore, it is contended to make the interim order dated 18.12.2023 absolute, in the same terms and conditions.

5. Whereas Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam, submits that in the meantime, the I.O. has completed investigation and submitted charge-sheet, being Charge-Sheet No.45/2023, dated 31.12.2023, under Section 143/147/148/341/387 IPC.

6. Since, after completion of investigation the I.O. has submitted charge-sheet against the applicants, this Court is inclined to dispose of this application by directing the applicants, namely, Ratan Kachari, Budhin Sonowal and Gopal Sonowal, to appear before the learned Court below on or before 12.02.2024, 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 18.12.2023, stands extended.

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

Sd/- Robin Phukan
JUDGE

Comparing Assistant