

GAHC010284222023



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

Case No. : AB/4255/2023

ABDUS SALAM
S/O LATE AKKAS ALI
R/O VILL-BATUWA
P.O. SARUPETA
P.S. PATACHARKUCHI
DIST. BAJALI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N K KALITA
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 24-01-2024

Heard Ms. P. Boro, learned counsel appearing on behalf of Mr. N. K. Kalita, learned counsel for the applicant and also heard Ms. A. Begum, learned Addl. P.P. for the State respondent.

Apprehending arrest in connection with Patacharkuchi P.S. Case No. 436/2023, under Sections 379/411 IPC (G.R. No. 526/2023), this application u/s 438 Cr.P.C.

is preferred by the applicant, namely, Abdus Salam, for grant of pre-arrest bail.

The above noted case has been registered on the basis of an FIR lodged on 9.12.2023.

The essence of allegation made in the FIR dtd. 9.12.2023 is that on the night of 1.12.2023, 500 meters of conductors of old 33 KV Pathsala to Sarupeta feeder has been stolen by some unknown person.

The learned counsel for the applicant submits that the applicant was granted privilege of pre-arrest bail by this Court vide order dated 20.12.2023, and pursuant to said order the applicant had appeared before the I.O. and he has been cooperating with the investigating agency and therefore, it is contended to make the interim order dated 20.12.2023 absolute, in the same terms and condition.

On the other hand, Ms. Begum submits that she has not received the case diary but as per her instruction, the I.O. has completed investigation and submitted charge sheet being charge sheet No.374 of 2023 dated 31.12.2023, u/s 379/411 IPC against two accused namely Sumal Ali and Md. Jalil Ali and the present applicant, namely, Abdus Salam has not been forwarded by the I.O., in the Charge sheet.

In that view of the matter, this application becomes infructuous and accordingly, the same stands closed.

JUDGE

Comparing Assistant