

GAHC010288102023



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

Case No. : AB/4273/2023

AUGUSTIN KRAMSA
S/O. SH. SAMUAL KRAMSA, R/O. MENTILA, P.S- DIPHU, DIST. KARBI
ANGLONG, ASSAM, PIN- 782460.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM.

Advocate for the Petitioner : S BORGOHAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

12.01.2024

Heard Mr. S. Borgohain, learned counsel for the applicant and Mr. B. Sharma, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with the **Khathkhathi P.S. Case No. 122/2023**, under Sections 120[B]/387 of the IPC, read with Section 25[1] [a] of the Arms Act this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, **Sh. Augustin Kramsa** for grant of pre-arrest bail.

3. The said case has been registered on the basis of one F.I.R., lodged by SI Romen Bordoloi, on 26.11.2023. The essence of allegations made in the FIR is that while inquiring in connection with GD No. 18 of Khatkhathi PS, dated 25.11.2023, he found that for last few months one Augustin Kramsa has extorted money from various Wine Shops in the name Government Official and he is also involved in illegal transportation of IMFL to Nagaland and he also threatened the owners/managers of dire consequences and even threatened them to kill if they lodge any complaint against him.

4. Mr. Borgohain, learned counsel for the applicant submits that the allegations made in the FIR are false and fabricated and that the wife of the applicant had lodged one complaint to the Superintendent of Police on 26.11.2023, in respect of visiting her house by some of the police personnel on 25.11.2023, at about 10 pm, in connection with inquiring about her husband. Referring to one order passed in Criminal Revision Petition No. 74/2020, Mr. Borgohain submits that this Court was pleased to grant zimma of licensed pistol to the petitioner, which was refused by the learned trial court and in the FIR the police has made reference to that case also. Mr. Borgohain further submits that the applicant is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, by producing the Case Diary before this Court, Mr. Sharma, learned Additional Public Prosecutor submits that the IO has collected sufficient incriminating materials against the applicant and therefore, it is contended to dismiss the petition.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the Case Diary produced before this Court with the assistance

of learned Additional Public Prosecutor.

7. The case diary indicates that the IO has collected sufficient incriminating materials against the applicant and the investigation is still going on.

8. In view of the materials so far collected in the case diary and in view of the statements of the witnesses recorded by the learned court below till date, this Court is of the view that his custodial interrogation indispensable in the interest of investigation.

8. Accordingly, this AB stands dismissed.

9. Case diary be returned.

JUDGE

Comparing Assistant