

GAHC010289792023



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

Case No. : AB/4317/2023

RABI ALAM
S/O BISHA MIYA
R/O VILL- KHABLAR BHITHA, P.S. AND DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N J DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

24.01.2024

Heard Mr. N. Ahmed, learned counsel for the applicant and also heard Mr. B. Sarma, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

2. Apprehending arrest in connection with Bongaigaon P.S. Case No.208/2023, under

Section 420/379 IPC, this application under Section 438 Cr.P.C. is preferred by the applicant, namely, Rabi Alam, 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 Mitumani Roy on 18.08.2023. The essence of allegation made in the aforesaid FIR is that some culprits snatched away her ATM card and withdrawn cash from her account.

4. Mr. B. Sarma, learned Additional Public Prosecutor, Assam, submits that he has not received the case diary, but as per instruction, the I.O. has completed investigation and submitted charge-sheet against the present applicant, being Charge-Sheet No.352/2023, dated 30.11.2023, under Section 420/379/34 IPC.

5. In view of above, this Court is inclined to dispose of this petition by directing the applicant to appear before the learned Court below on or before 09.02.2024, 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.

6. Till then, it is provided that in the event of arrest of the applicant, namely, Rabi Alam, in connection with Bongaigaon P.S. Case No.208/2023, under Section 420/379 IPC, he shall be released on interim pre-arrest bail on his executing a bond of ₹ 50,000/-, with one surety of the like amount to the satisfaction of the arresting authority. The above privilege is, however, subject to the following conditions:-

- (i) The applicant shall appear before the learned Court below on or before 09.02.2024;
- (ii) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- (iii) The applicant shall not leave the jurisdiction of the learned C.J.M., Bongaigaon, without prior permission.

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

Sd/- Robin Phuikan
JUDGE

Comparing Assistant