

GAHC010292512023



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

Case No. : AB/4350/2023

MANISH JAIN AND ANR.
S/O LT. NIRMAL KUMAR JAIN
R/O 2ND FLOOR HC DAS TOWER LALGANESH LOKHRA ROAD OPP.
INDIAN OIL PETROL PUMP
P.S. DISPUR P.O. ODALBAKRA GUWAHATI 781034
DIST. KAMRUP METRO ASSAM

2: DURGA AGARWAL @ JAIN
W/O LT. NIRMAL KUMAR JAIN
R/O 2ND FLOOR HC DAS TOWER LALGANESH LOKHRA ROAD OPP.
INDIAN OIL PETROL PUMP
P.S. DISPUR P.O. ODALBAKRA GUWAHATI 781034
DIST. KAMRUP METRO ASSAM

3: BINITA JAIN
D/O LT. NIRMAL KUMAR JAIN
R/O 2ND FLOOR HC DAS TOWER LALGANESH LOKHRA ROAD OPP.
INDIAN OIL PETROL PUMP
P.S. DISPUR P.O. ODALBAKRA GUWAHATI 781034
DIST. KAMRUP METRO ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR K JAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN

ORDER

23.02.2024

Heard Mr. K. Jain, learned counsel for the applicants and also heard Ms. A. Begum, learned Additional Public Prosecutor, Assam, appearing for the State respondent.

This application under Section 438 Cr.P.C. is preferred by three applicants, namely, Manish Jain, Durga Agarwal @ Jain and Binita Jain, who have been apprehending arrest in connection with Gauripur P.S. Case No.467/2023, under Section 380 IPC, for grant of pre-arrest bail.

The above noted case has been registered on the basis of an FIR lodged by one Daulat Ram Chirania on 29.11.2023. The essence of allegation made in the aforesaid FIR is that his elder sister Durga Jain and her son Manish Jain came to his house on 19.11.2023 for 5 days, but they left for Guwahati on 21.11.2023 without informing any person of his family and then he checked his locker and found ₹ 2,50,000/- is missing.

Mr. Jain, learned counsel for the applicants submits that this Court, vide order dated 22.12.2023, was pleased to extend interim protection to the applicants and pursuant to the said order, they have appeared before the I.O. and cooperating with the investigating agency and therefore, a contention is being made to make the interim order dated 22.12.2023, absolute, in the same terms and conditions.

On the other hand, Ms. A. Begum, learned Additional P.P. submits that she has not received the case diary, but as per her instruction, the I.O. has already completed investigation and return the case in Final Report, being F.R. No.8/2024, dated 30.01.2024.

Since Final Report has already been submitted by the I.O. after completion of investigation, there is no apprehension of arrest and as such, this petition becomes

infructuous and accordingly, the same stands closed and the interim order dated 22.12.2023 stands recalled.

Sd/- *Robin Phuikan*
JUDGE

Comparing Assistant