GAHC010114702020

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

Case No. : AB/2154/2020

KALICHARAN DAS
S/O. SRI GOPINATH DAS, VILL. OHIABARI @ AHIBARI, P.O. LATIBARI, DIST. BAKSA, BTAD, ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM.

Advocate for the Petitioner : MR. M BISWAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

Date : 03-12-2020

Heard Mr. M Biswas, learned counsel for the petitioner. Also heard Mr. MP Goswami, learned Additional Public Prosecutor, appearing for the State respondent.

This is an application, filed under Section 438 of the Cr.PC. seeking pre-arrest bail of the petitioner, namely, ***Sri Kalicharan Das,*** in connection with ***Tamulpur P.S. Case No. 395/2020*** registered under Sections 420/406 of the IPC read with Section 7 of the

Essential Commodities Act.

Perused the case diary produced before this Court.

On perusal of the case diary, particularly the statement of the co-accused, it does not appear to this Court that custodial interrogation of the petitioner is necessary in the interest of investigation of the case. The co-accused has stated as to under what circumstances, the seized rice was kept in his possession. On the other hand, the petitioner has been availing interim pre-arrest bail. He has appeared before the Investigating Police Officer.

The petitioner has not misused the liberty granted to him while availing interim pre-arrest bail. Therefore, the petitioner is granted the privilege of pre-arrest bail.

Accordingly, the interim pre-arrest bail granted to the petitioner vide order, dated 28.09.2020 is made absolute on the same terms and conditions.

Return the case diary.

The petition stands disposed of accordingly.

JUDGE

Comparing Assistant