

AB 4441/2013
OBEFORE

HON'BLE MR. JUSTICE C.R. SARMA

Heard Mr. G.N. Sahewala, learned senior counsel assisted by Ms. R. Jain, learned counsel appearing for the petitioner. Also heard Mr. B.S. Sinha, learned addl. P.P., Assam, appearing for the State respondent. Perused the C.D.

By this application filed under Section 438 Cr.P.C. the petitioner, namely, Sri Panna Das who is on pre-arrest bail w.e.f. 30.09.2013 has prayed for pre-arrest bail in connection with Silchar P.S. Case No.714/2013 under Sections 120(B)/409/420/468/

471/477(A)/34 IPC.

The matter relates to mis-appropriation of Govt. money in the Cachar Zilla Parishad.

The learned senior counsel referring to the FIR lodged in connection Silchar P.S. case No. 738/2013 has submitted that prior to the lodging of the present FIR another FIR on the same subject matter was lodged and the petitioner who was arrested in connection with the said P.S. Case was released by this Court vide order dated 10.05.2013 passed in B.A. No. 990/13.

Carefully perusing both the FIR copies of which are available in this case, it appears that the subject matter of both the FIRs are same i.e. mis-appropriation of money in the Cachar Zila Parishad. As the petitioner has already been released on bail in connection with the earlier FIR, I find no sufficient reason for custodial detention of the petitioner in the present case which has arisen out of the subsequent FIR. That apart, from the C.D. it appears that, the petitioner has already been examined by the I.O.

In view of above, considering entire aspect of the matter as well as the evidence so far collected by the I.O., I find no necessity for custodial detention of the petitioner.

Accordingly, the interim order dated 30.09.2013 is made absolute subject to condition that the petitioner shall appear before the Investigating Officer within 7 days from this date or on such other dates as may be so required for the purpose of investigation.

Return the C.D. The bail application is disposed of.