

AB 5602/2014

BEFORE

THE HON'BLE MR. JUSTICE P..K. SAIKIA

Heard Mr. K.R. Patgiri, learned counsel for the petitioners as well as Mr. B. S. Sinha, learned A.P.P., Assam.

By this application filed under Section 438 CrPC, petitioners, namely, 1. Sri Arun Kr. Rai and 2. Sri Dharani Baruah have prayed for privilege of pre-arrest bail, who apprehend arrest in connection with Nagaon P.S. Case No. 2119/2014 under Section 420/406/427/34 IPC.

Case Diary was called for and the same has been produced by the learned A.P.P., Assam. I have gone through the Case Diary.

It is stated that on 3.12.2014 one Sri Bankim Phonglo, AGM (Operation), FCI, Nagaon lodged an FIR with the O/C, Haiborgaon Police Station alleging that the petitioners herein and another, who were the transportation contractors of FCI, were entrusted with carrying of PDS articles in 31 trucks for transportation from Nagaon to Seppa, East Kameng District, Arunachal Pradesh. As per the FIR, such trucks did not reach the destination till filing of the FIR. On the basis of the aforesaid FIR, lodged by the AGM (Operation), FCI, Nagaon with the police, Haiborgaon P.S. Case No. 2119/2014 was registered under Section 420/406/427/34 IPC.

Learned counsel for the petitioners submits that the articles for transportation which were entrusted to the transporters for transportation from Nagaon to Seppa, East Kameng District were misappropriated by one Mazidur Rahman, for which, they had lodged an FIR with the Superintendent of Police, Sonitpur on 16.11.2014 and in the meantime, on the basis of the said FIR, lodged by the accused petitioners herein, 7 trucks with goods therein were recovered. For all the aforesaid intermeddling by said Mazidur Rahman, PDS articles could not be taken to the destination in time and therefore, they did not commit any offence whatsoever.

Referring to the materials available in the Case Diary, Mr. Sinha, learned A.P.P., Assam submits that the submission made by the learned counsel for the accused petitioners is not correct. In fact, during the period of transportation, the transporters did nothing to ensure that the articles reached the destination in time. The aforesaid petition to the S.P, Sonitpur was filed only to cover up their guilty and therefore, this Court may be pleased not to grant the benefit of pre-arrest bail to the accused petitioners.

Considering the submissions made by the learned counsel for the parties and having regard to the materials available in the Case Diary, I am of the considered opinion that this is not a fit case to grant the benefit of pre-arrest bail to the accused petitioners. Accordingly, the prayer made in this application is rejected.

Bail application is disposed of. Return the Case Diary.