

**BEFORE
THE HON'BLE MR. JUSTICE S.R.SEN**

28-10-2016

Heard learned counsel for the petitioner, Mr. R.Kar who submits that as per Section 41 CrPC, accused/petitioner should be notified to appear before the IO but that has not been done by the IO so there is no harm to grant the pre-arrest bail and he is cooperating with the investigating agency.

On the other hand, the IO appeared alongwith the State counsel, Mr. S.Sen Gupta and produced the CD.

After hearing the rival submissions advanced by the learned counsels for the parties, I am of the considered view that it is not a fit case to grant pre-arrest bail as IO submits that he is yet to recover certain documents and accused is not cooperating with the investigating agency. We must remember that, the case is under investigation and it is the privilege of the IO to investigate the matter impartially and freely. Therefore, grant of pre-arrest bail may become a hindrance for the investigation and in that case, pre-arrest bail should not be considered.

Accordingly, bail application stands dismissed and previous order dated 20-10-2016 stands vacated and disposed of.

JUDGE

S.Rynjah