

GAHC010022332020



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

Case No. : AB 414/2020

1:DEBABRATA ACHARJEE
S/O- LATE SUBASH CH ACHARJEE, R/O- H NO. 22, BYE LANE 1,
PRAGJYOTISH NAGAR, NEAR S T VIVEKANANDA ENGLISH ACADEMY
SCHOOL, BG COLONY, P.O- MALIGAON, GUWAHATI- 11, DIST- KAMRUP(M)

VERSUS

1:THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. P KATAKI

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE RUMI KUMARI PHUKAN

O R D E R

29.05.2020.

This is an application, filed under Section 438 of the Cr.P.C, praying for pre-arrest bail by petitioner Debabrata Acharjee, in connection with Sivasagar P.S. Case No.475/2017, under Sections 409/420/34 of the IPC.

Heard the learned counsel for both the parties and perused the case diary produced.

The petitioner herein was the Executive Engineers in the PWD (B) of Sivasagar District and he retired

from service on 31.12.2015, attaining the age of superannuation. Certain allegation has been made by All Assam Kalita Students Union, Sivasagar about illegality while constructing the four lane highway and in the acquisition proceeding in Sivasagar District by the officials concerned, including the PWD.

The case diary reveals that the assessment was made in the year 2009-13 and the witnesses so far examined/beneficiaries have clearly stated that there was no illegality in acquisition proceeding as well as awarding the compensation. The allegation projected in the FIR got no support from the relevant witnesses.

That being so, it transpires that custodial interrogation of the accused/petitioner named above is not warranted. Accordingly the interim order passed earlier on 03.02.2020 is hereby made absolute.

Return back the case diary.

True copy of the order be furnished under the seal and signature of the Court Master.

JUDGE

Comparing Assistant